



**AGENDA, TROY CITY COUNCIL**  
**TUESDAY, FEBRUARY 19, 2019, 7:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Excuse Mr. Terwilliger

excuses by motion/second/roll call vote

**PUBLIC HEARING**

O-3-2019 - Rezoning of IL 10622, 44 Peters Avenue, M-2 to Industrial PD

**SUMMARY OF MINUTES**

February 4, 2019 Meeting

motion/second/roll call vote

**COMMITTEE REPORTS**

**CITIZEN COMMENTS ON COMMITTEE REPORTS OR AGENDA ITEMS – TWO MINUTE LIMIT**

**RESOLUTIONS**

R-4-2019	SBD Loan to Slimline Surgical Devices, dba Canyon Run Engineering Technologies, \$83,737.50 EMERGENCY	1 <sup>st</sup> Reading
R-5-2019	Bid replacement of Programmable Logic Controllers System at WWTP, \$170,000	1 <sup>st</sup> Reading
R-6-2019	Name event/concession area at Miami Shores Golf Course Clubhouse "The Shoreline"	1 <sup>st</sup> Reading
R-7-2019	Amend Fee Schedule to adjust Cemetery Fees	1 <sup>st</sup> Reading
R-8-2019	Authorize appointees to Board of Directors to Troy Reinvestment Fund EMERGENCY	1 <sup>st</sup> Reading

**ORDINANCES**

O-3-2019	Rezoning of IL 10622, 44 Peters Avenue, M-2 to Industrial PD	Public Hearing 2-19-2019	2 <sup>nd</sup> Reading
O-4-2019	Authorize Lime Agreement with City of Dayton, Ohio		1 <sup>st</sup> Reading
O-5-2019	Treasure Island Use Agreements for concerts 6-29-2019, 8-3-2019		1 <sup>st</sup> Reading

**COMMUNICATIONS/ANNOUNCEMENTS**

COMMENTS: Mayor, Director of Public Service & Safety, Auditor, Director of Law, Council President

COMMENTS: Council

COMMENTS: Staff

COMMENTS: Audience

**ADJOURN**

NOTE: Committee meetings may take place prior to or following Council meeting

**CITY OF TROY MISSION STATEMENT:**

*Through sound and prudent leadership, the City of Troy is committed to sustaining its continued prominence as a regional hub by providing a well-balanced community for its residents, businesses and visitors, consisting of a vibrant downtown, growing economic base, strong educational environment, and plentiful recreational opportunities strengthened by public/private cooperation and grounded in financial stability.*

## COUNCIL MEETING

**Date of Meeting: Feb. 19, 2019**

[illegible]



MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, February 4, 2019, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Lutz, Oda, Phillips, Severt, Schweser, Terwilliger and Twiss.

Presiding Officer: Martha A. Baker President of Council

Others Present: Michael L. Beamish Mayor  
Patrick E. J. Titterington Director of Public Service and Safety  
John E. Frigge Auditor  
Grant D. Kerber Director of Law

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council Member Severt, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the January 22, 2019, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Heath, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Finance Committee: Mr. Kendall, Chairman, reported that Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the purchase of an articulating multi-purpose compact loader for the Cemetery operation at a cost not to exceed \$81,000.

Report signed by Schweser, Severt and Kendall.

Mrs. Oda asked what "more efficiency for some work means", with Mr. Titterington responding that not all functions of the Cemetery Department can be performed by this piece of equipment.

Personnel: Mr. Severt, Chairman, gave an oral report that the Mayor had requested Council approval of the appointment of Richard Bender to the Economic Development Revolving Loan Fund Loan Review Committee to fulfill the unexpired term of the late Jack Baird. A motion was made by Mr. Severt, seconded by Mr. Phillips, to approve the appointment of Richard Bender to the Economic Development Revolving Loan Fund Loan Review Committee, with the term to commence immediately and run through December 31, 2019.

MOTION PASSED BY UNANIMOUS ROLL CALL VOTE.

Recreation & Parks Committee: Mr. Heath, Chairman, reported that Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the Troy Recreation Trail Resurfacing Project at a cost not to exceed \$210,000.

Report signed by Oda, Terwilliger and Heath.

CITIZEN COMMENTS: None.

RESOLUTION NO. R-2-2019

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR AN ARTICULATING MULTI-PURPOSE COMPACT LOADER FOR THE CEMETERY DEPARTMENT

This Resolution was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Severt, Terwilliger, Heath, Phillips, Lutz, Oda, Kendall and Twiss.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Terwilliger.

Yes: Terwilliger, Heath, Phillips, Lutz, Oda, Kendall, Twiss and Severt.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-3-2019

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE TROY RECREATIONAL TRAIL RESURFACING PROJECT

This Resolution was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Heath, Phillips, Lutz, Oda, Kendall, Twiss, Severt and Terwilliger.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Phillips, Lutz, Oda, Kendall, Twiss, Severt, Terwilliger and Heath.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-3-2019

AN ORDINANCE CHANGING THE ZONING OF INLOT 10622 (PARCEL NO. D08-104346) IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT TO AN INDUSTRIAL PLANNED DEVELOPMENT (PD)

This Ordinance was given first title reading.

**PRESENTATION:** An update regarding the recent activities of Activate Troy Partnership (ATP) was given by Council Member Schweser. Mr. Schweser noted that the ATP continued the efforts of the "American's Best Community" group; noted that there are many partners; the partnership hired a consultant (MKSK) to recommend possibilities about making the river corridor/downtown more vibrant and to plan for future years; the group has looked at how other communities (particularly Findlay and Hamilton) are working to drive economic development including in the downtown area; and the members have been looking at banner opportunities.

**COMMENTS OF THE COUNCIL PRESIDENT:** Mrs. Baker asked that those who serve on other groups or committees, especially as a representative of Council, also provide Council with updates at future meetings.

**COMMENTS OF MAYOR BEAMISH:** The Mayor thanked Council for the appointment of Richard Bender to the Loan Review Committee.

**COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY:** Mr. Titterington noted that the next meeting will be Tuesday, February 19, due to the President's Day Holiday.

**COMMENTS OF MEMBERS OF COUNCIL.**

Mr. Phillips commented that during national sporting event, there was a commercial by Kettering Health Network (KHN) that featured Troy. He stated this was a touching indication of the dedication of KHN to Troy.

There being no further business, Council adjourned at 7:17 p.m.

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Clerk of Council

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President of Council

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: February 11, 2019

FROM: Finance Committee

SUBJECT: PROPOSED ADJUSTMENT OF CEMETERY FEES

SUMMARY REPORT: *(to be read at Council meeting)*

This Committee met on February 11 to consider adjustments to the fee schedule related to Cemetery Fees, which were last adjusted in 2014.

RECOMMENDATION: *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared amending the fee schedule to adjust the Cemetery Fees as recommended by the Cemetery Foreman. We further recommend that the new fees be effective April 1, 2019.

Respectfully submitted,

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John W. Schweser

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Todd D. Severt

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Thomas M. Kendall, Chairman  
Finance Committee

DETAILED REPORT:

This Committee met on February 11, 2019 to review amendments to Cemetery Fees. This meeting was also attended by Council President Baker, Council Members Heath, Lutz and Terwilliger, the Director of Public Service and Safety, and members of the City staff.

A number of fees charged by the City are set forth in a Fee Schedule. As appropriate, staff reviews possible adjustments for recommendation to Council. In reviewing the fees, the goal is to cover the associated costs and to be as competitive as practical with similar fees established by neighboring entities. The only fee adjustment submitted is related to Cemetery fees, which have been in place since 2014. In reviewing the fees, we were advised that some of the fees have been re-titled and re-categorized to be more reflective of current cemetery operations.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared amending the fee schedule to adjust the Cemetery Fees as recommended by the Cemetery Foreman. We further recommend that the new fees be effective April 1, 2019.

cc: Council, Mayor, Director of Law, Auditor, Director of Public Service and Safety, Clerk  
staff, file

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: February 11, 2019

FROM: Finance Committee

SUBJECT: SBD LOAN – SLIMLINE SURGICAL DEVICES DBA CANYON RUN ENGINEERING TECHNOLOGIES

SUMMARY: *(to be read at Council meeting)*

On February 11 this Committee met to consider the recommendation of the Loan Review Committee to approve a new application of Slimline Surgical Devices dba Canyon Run Engineering Technologies. The details regarding the loan are discussed in the detailed report.

RECOMMENDATION: *(to be read at Council meeting)*

This Committee supports the recommendation of the Loan Review Committee of approving this application as meeting the intent of the Small Business Development Revolving Loan program and recommends that legislation be prepared approving the loan application of Slimline Surgical Devices dba Canyon Run Engineering Technologies in the amount of \$83,737.50 from the Small Business Development Revolving Loan Fund. Committee further supports emergency legislation so that the loan can be processed without delay so that the business can order the new equipment.

Respectfully submitted,

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John W. Schweser

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Todd D. Severt

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Thomas M. Kendall, Chairman  
Finance Committee

DETAILED REPORT:

On February 11, 2019, this Committee met to consider the recommendation of the Loan Review Committee that a second loan application be approved from the Small Business Development (SBD) Revolving Loan Fund to Slimline Surgical Devices dba Canyon Run Engineering Technologies in the amount of \$83,737.50 to assist in the purchase of additional equipment for the company to further expand. The meeting was also attended by Council President Baker, Council Members Heath, Lutz and Terwilliger, the Director of Public Service and Safety, members of the City staff, and the applicant.

Slimline Surgical Devices, dba Canyon Run Engineering Technologies is located at 1990 W. Stanfield Road. The business provides engineering design and build services for the medical instrument and aerospace industries. A SBD loan was approved for this company about a year ago, and is current. The company currently employs 17 full time and one part time employee. The additional equipment that is to be purchased with the loan proceeds will allow for the addition of five employees. The Loan Review Committee reviewed this loan on February 6, 2019, and recommended it be approved with the following terms:

- Total project costs of \$215,000
- Loan principal of \$83,737.50 (\$82,500 plus the 1.5% closing fee of \$1,237.50)
- Loan repayment term of 60 months
- 4.5% interest and principal payments
- Collateral will be a second position lien on the financed equipment behind the bank and personal guarantees of the owners
- Expedited approval is requested so that the business can secure the equipment in a timely manner

RECOMMENDATION:

This Committee supports the recommendation of the Loan Review Committee of approving this application as meeting the intent of the Small Business Development Revolving Loan program and recommends that legislation be prepared approving the loan application of Slimline Surgical Devices dba Canyon Run Engineering Technologies in the amount of \$83,737.50 from the Small Business Development Revolving Loan Fund. Committee further supports emergency legislation so that the loan can be processed without delay so that the business can order the new equipment.

Cc: Council, Mayor, Law Director, City Auditor, Director of Public Service and Safety, Clerk, staff, file



COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: February 11, 2019

FROM: Personnel Committee

SUBJECT: APPOINTMENTS TO THE BOARD OF DIRECTORS OF THE TROY REINVESTMENT FUND

**SUMMARY:** *(to be read at Council meeting)*

On February 11 this Committee met to consider recommending appointments to the Troy Reinvestment Fund (TRF). The TRF will be a community-based non-profit fund that would support revolving loan funds and other financing tools for downtown redevelopment and other community initiatives and projects. The TRF incorporators have recommended that the positions of Director of Public Service and Safety and City Auditor be standing members of the TRF Board of Directors.

**RECOMMENDATION:** *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the positions of Director of Public Service and Safety and City Auditor to be appointees to the Board of Directors of the non-profit organization Troy Reinvestment Fund. To enable expedient consideration by the IRS of the TRF's application for 501 (c)(3) tax exempt status, which will allow the Troy Reinvestment Fund to begin its non-profit activities as soon as possible, this Committee supports emergency legislation.

Respectfully submitted,

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Thomas M. Kendall

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William C. Twiss

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Todd D. Severt, Chairman  
Personnel Committee

**DETAILED REPORT:**

On February 11, 2019 this Committee met to consider recommending appointments to the Troy Reinvestment Fund (TRF). This meeting was also attended by Mayor Beamish, Council President Baker, Council Members Terwilliger and Lutz, the Director of Public Service and Safety, members of the City staff, and citizens.

The TRF will be a community-based non-profit fund that would support revolving loan funds and other financing tools for downtown redevelopment and other community initiatives and projects. The TRF incorporators have recommended that the positions of Director of Public Service and Safety and City Auditor be standing members of the TRF Board of Directors. To avoid any conflict of interest, the Ohio Ethics Commission and Law Director have opined that Troy City Council should take formal action to appoint these City positions to the Board.

There was some discussion related to possible City funding for this organization, which is in the budget; however, we note that the discussion of appointees to the Board of Directors is not a commitment for funding. That would be a later discussion for Council consideration.

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared authorizing the positions of Director of Public Service and Safety and City Auditor to be appointees to the Board of Directors of the non-profit organization Troy Reinvestment Fund. To enable consideration by the IRS of the TRF's application for 501 (c)(3) tax exempt status, which will allow the Troy Reinvestment Fund to begin its non-profit activities as soon as possible, this Committee supports emergency legislation.

cc: Council, Mayor, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk, file, media, staff

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council  
FROM: Recreation and Parks Committee  
SUBJECT: NAMING OF THE MIAMI SHORES GOLF COURSE CLUBHOUSE EVENT/CONCESSION AREA  
"THE SHORELINE"

DATE: February 11, 2019

SUMMARY: *(to be read at Council meeting)*

Committee members Heath and Terwilliger met on February 11, 2019, to consider the recommendation of the Board of Park Commissioners that the event/concession area at the Miami Shores Golf Course Clubhouse be named "The Shoreline."

RECOMMENDATION: *(to be read at Council meeting)*

This Committee supports the recommendation of the Board of Park Commissions and recommends that legislation be prepared to name the Miami Shores Golf Course Clubhouse event/concession area "The Shoreline."

Respectfully submitted,

\_\_\_\_\_  
Robin I. Oda

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John L. Terwilliger

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Brock A. Heath, Chairman  
Recreation and Parks Committee

DETAILED REPORT:

Committee members Heath and Terwilliger met on February 11, 2019, to consider the recommendation of the Board of Park Commissioners that the event/concession area at the Miami Shores Golf Course Clubhouse be named "The Shoreline." This meeting was also attended by the President of Council, Council Members Kendall, Lutz, Schweser and Severt, the Director of Public Service and Safety, and members of the City staff.

The renovated event/concession area at the Miami Shores Golf Course Clubhouse is intended to provide an area for golfers to gather to enjoy food and beverages, but also to provide the community with an event area that could serve a variety of purposes from business meeting conferences to wedding receptions to birthday parties to a group just needing an area to get together. In order to market this new venue, staff recommended that it be provided with a specific name identification. After reviewing some suggestions from members of the public, the Board of Park Commissioners considered the policy of Council and also considered the benefit of the area having a name that would reflect the geographic location, reflect a relationship with the Miami Shores Golf Course but not necessarily with golf in general, a name that would not become easily dated, and be one that would be appealing in its use. The Board approved a motion recommending the name "The Shoreline."

RECOMMENDATION:

This Committee supports the recommendation of the Board of Park Commissions and recommends that legislation be prepared to name the Miami Shores Golf Course Clubhouse event/concession area "The Shoreline."



COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: FEBRUARY 11, 2019

FROM: Recreation and Parks Committee

SUBJECT: TREASURE ISLAND NON-TICKETED USE AGREEMENTS

**SUMMARY:** *(to be read at Council meeting)*

Committee members Heath and Terwilliger met on February 11 to consider Use Agreements associated with two concert events at Treasure Island Park that will include the sale and consumption of alcoholic beverages. These concerts are scheduled for June 29 and August 3. Events that include the sale and consumption of alcohol at this venue require specific Council action.

**RECOMMENDATION:** *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to execute the Treasure Island Non-Ticketed Use Agreements for the two concerts on June 29 and August 3.

Respectfully submitted,

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Robin I. Oda

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John L. Terwilliger

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Brock A. Heath, Chairman  
Recreation and Parks Committee

**DETAILED REPORT**

Committee members Heath and Terwilliger met on February 11, 2019, to consider Use Agreements associated with events at Treasure Island Park. This meeting was also attended by the President of Council, Council Members Kendall, Lutz, Schweser and Severt, the Director of Public Service and Safety, and members of the City staff.

There will be a number of events at Treasure Island Park. Of those events, concerts are scheduled for June 29 and August 3 that will include the sale and consumption of alcoholic beverages, and require Council authorization. These two concert dates have been considered by and recommended by the Troy Recreation Board and the Board of Park Commissioners.

The Use Agreement developed in 2016 for such concerts at Treasure Island Park would be utilized. It would be a tri-party agreement: the Troy Recreation Board would be the applicant with Recreation Department staff handling the event covered by the agreement; the Board of Park Commissioners would be requested to approve the agreement; and the Director of Public Service and Safety would sign on behalf of the City. The alcohol sale and consumption would follow all State requirements and follow best practices, including those related to security and safety. The alcohol sales will be handled by Recreation Department/Hobart Arena staff. Similar concerts the past three years have gone quite well.

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to execute the Treasure Island Non-Ticketed Use Agreements for the two listed concerts.

cc: Mayor, Council, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk  
file, media

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: February 11, 2019

FROM: Utilities Committees

SUBJECT: INTERGOVERNMENTAL AGREEMENT – LIME PURCHASE/RESIDUAL REMOVAL

This Committee met on February 11 to consider an intergovernmental agreement between the City of Troy and the City of Dayton that would continue the process of Troy purchasing reclaimed pebble lime from the City of Dayton and Dayton removing the lime sludge residual from the City's lagoons to use in their re-kilning process. The new agreement will include Dayton removing additional lime sludge to help keep the lagoon levels low. The cost of this process is less than the City having a contractor clean the lagoons and then purchase lime from a vendor.

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to enter into an intergovernmental agreement with the City of Dayton regarding the purchase of lime.

Respectfully submitted,

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William Lutz

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William C. Twiss

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John L. Terwilliger, Chairman  
Utilities Committee

**DETAILED REPORT:**

This Committee met on February 11, 2019, to consider a new proposed agreement that would continue the process of Troy purchasing reclaimed pebble lime from the City of Dayton and Dayton removing the lime sludge residual from the City's lagoons to use in their re-kilning process. This meeting was also attended by Mayor Beamish, Council President Baker, the Law Director, Council Member Kendall, the Director of Public Service and Safety, and members of the City staff.

Since 2013, through an agreement with the City of Dayton, Dayton removes lime sludge residual from the lagoons at the Water Treatment Plant, putting the sludge through a kiln process operated by Dayton, and then selling the re-kilned lime product (calcium oxide product) back to the City. The financial result is that the cost to Troy is less than the combined cost of paying a contractor to clean the lime sludge lagoon and purchasing lime needed for the water softening process from vendors. Dayton is removing approximately 2.5 times the amount of lime Troy purchases. It would benefit the City of Troy to have additional sludge removed from the lagoons to keep the levels low. There would be an additional annual cost of about \$20,000

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to enter into an intergovernmental agreement with the City of Dayton regarding the purchase of lime.

cc: Council  
Mayor Beamish  
Mr. Titterington  
Mr. Kerber  
Mr. Frigge  
Clerk  
file

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council  
FROM: Utilities Committee  
SUBJECT: WASTEWATER TREATMENT PLANT – PLC REPLACEMENT

DATE: February 11, 2019

**SUMMARY:** *(to be read at Council meeting)*

On February 11 this Committee met to consider authorizing bidding for the replacement of Programmable Logic Controllers (PLC) System at the Wastewater Treatment Plant. This project is included in the 2019 budget due to this hardware system being considered as “end of life” and is no longer being supported.

**RECOMMENDATION:** *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the replacement of the Programmable Logic Controllers System at the Wastewater Treatment Plant at a cost not to exceed \$170,000.

Respectfully submitted,

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William Lutz

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William C. Twiss

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John L. Terwilliger, Chairman  
Utilities Committee

**DETAILED REPORT:**

On February 11, 2019 this Committee met to consider authorizing bidding for the replacement of Programmable Logic Controllers (PLC) at the Wastewater Treatment Plant. This meeting was also attended by Mayor Beamish, Council President Baker, the Director of Law, Council Member Kendall, the Director of Public Service and Safety, and members of the City staff.

The PLC system is the hardware that runs the SCADA system and other programs that operate the Wastewater Treatment Plant. The replacement of the system was included in the 2019 budget as the equipment is officially listed by the manufacturer as “end of life” and is no longer supported. These PLCs will be replaced with Allen Bradley Control Logix equipment in order to maintain programming and spare parts consistency with the equipment used at the Water Treatment Plant. This project is budgeted in the amount of \$170,000, which includes funds for the equipment (new Programmable Logic Controllers and all required accessories) and installation.

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the replacement of the Programmable Logic Controllers System at the Wastewater Treatment Plant at a cost not to exceed \$170,000.



**RESOLUTION No. R-4-2019**

Dayton Legal Black, Inc.

**RESOLUTION APPROVING THE APPLICATION OF SLIMLINE SURGICAL DEVICES DBA CANYON RUN ENGINEERING TECHNOLOGIES FOR ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY**

**WHEREAS**, Council has previously adopted Resolution R-11-2007, which established guidelines for the Small Business Development Revolving Loan Fund, and

**WHEREAS**, Slimline Surgical Devices dba Canyon Run Engineering Technologies made an application for a loan of \$83,737.50 of such funds to assist with the business expansion project which includes the purchase of equipment, shipping, rigging and hookups at 1990 W. Stanfield Road, Troy, Ohio, and

**WHEREAS**, as security for this loan, Slimline Surgical Devices dba Canyon Run Engineering Technologies offers a second position lien on the new equipment and personal guarantees of the business owners Gary and Amy Ward, and

**WHEREAS**, the Loan Review Committee reviewed the application of Slimline Surgical Devices dba Canyon Run Engineering Technologies on February 6, 2019 and recommended its approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Troy, Ohio, as follows:

**SECTION I:** That the Council of the City of Troy, Ohio hereby approves the application of Slimline Surgical Devices dba Canyon Run Engineering Technologies for financial assistance from the Small Business Development Revolving Loan Fund in the amount of \$83,737.50 for a term of five years; with monthly principal and interest payments at 4.5% per annum thereafter.

**SECTION II:** That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to execute any and all related documents and take whatever actions are necessary to complete the loan process in accordance with the City and State guidelines and in accordance with the Finance Committee's report to Council, attached hereto as Exhibit A.

**SECTION III:** That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to execute any documents necessary for the release and cancellation of security liens securing this loan at such time that the loan is repaid in full, and that the Law Director is hereby authorized and directed to cause the recording of such documents necessary for said release.

**SECTION IV:** That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that time is of the essence for the business to make purchases and improvements to their building and be at full operations as soon as possible, **NOW, WHEREFORE**, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: February 11, 2019

FROM: Finance Committee

SUBJECT: SBD LOAN – SLIMLINE SURGICAL DEVICES DBA CANYON RUN ENGINEERING TECHNOLOGIES

SUMMARY: *(to be read at Council meeting)*

On February 11 this Committee met to consider the recommendation of the Loan Review Committee to approve a new application of Slimline Surgical Devices dba Canyon Run Engineering Technologies. The details regarding the loan are discussed in the detailed report.

RECOMMENDATION: *(to be read at Council meeting)*

This Committee supports the recommendation of the Loan Review Committee of approving this application as meeting the intent of the Small Business Development Revolving Loan program and recommends that legislation be prepared approving the loan application of Slimline Surgical Devices dba Canyon Run Engineering Technologies in the amount of \$83,737.50 from the Small Business Development Revolving Loan Fund. Committee further supports emergency legislation so that the loan can be processed without delay so that the business can order the new equipment.

Respectfully submitted,

\_\_\_\_\_  
John W. Schweser

\_\_\_\_\_  
Todd D. Severt

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Thomas M. Kendall, Chairman  
Finance Committee

DETAILED REPORT:

On February 11, 2019, this Committee met to consider the recommendation of the Loan Review Committee that a second loan application be approved from the Small Business Development (SBD) Revolving Loan Fund to Slimline Surgical Devices dba Canyon Run Engineering Technologies in the amount of \$83,737.50 to assist in the purchase of additional equipment for the company to further expand. The meeting was also attended by Council President Baker, Council Members Heath, Lutz and Terwilliger, the Director of Public Service and Safety, members of the City staff, and the applicant.

Slimline Surgical Devices, dba Canyon Run Engineering Technologies is located at 1990 W. Stanfield Road. The business provides engineering design and build services for the medical instrument and aerospace industries. A SBD loan was approved for this company about a year ago, and is current. The company currently employs 17 full time and one part time employee. The additional equipment that is to be purchased with the loan proceeds will allow for the addition of five employees. The Loan Review Committee reviewed this loan on February 6, 2019, and recommended it be approved with the following terms:

- Total project costs of \$215,000
- Loan principal of \$83,737.50 (\$82,500 plus the 1.5% closing fee of \$1,237.50)
- Loan repayment term of 60 months
- 4.5% interest and principal payments
- Collateral will be a second position lien on the financed equipment behind the bank and personal guarantees of the owners
- Expedited approval is requested so that the business can secure the equipment in a timely manner

RECOMMENDATION:

This Committee supports the recommendation of the Loan Review Committee of approving this application as meeting the intent of the Small Business Development Revolving Loan program and recommends that legislation be prepared approving the loan application of Slimline Surgical Devices dba Canyon Run Engineering Technologies in the amount of \$83,737.50 from the Small Business Development Revolving Loan Fund. Committee further supports emergency legislation so that the loan can be processed without delay so that the business can order the new equipment.

Cc: Council, Mayor, Law Director, City Auditor, Director of Public Service and Safety, Clerk, staff, file

**RESOLUTION No.** R-5-2019

Dayton Legal Blank, Inc.

**RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC  
SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO  
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT  
FOR THE REPLACEMENT OF THE PROGRAMMABLE  
LOGIC CONTROLLERS (PLC) SYSTEM AT THE  
WASTEWATER TREATMENT PLANT**

**WHEREAS**, the Programmable Logic Controllers (PLC) System at the Wastewater Treatment Plant has exceeded the current life of such system and can no longer be supported for maintenance;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Troy, Ohio, as follows:

**SECTION I:** That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to advertise for bids and to enter into a contract for the replacement of the Programmable Logic Controllers (PLC) System for the Wastewater Treatment Plant in accordance with the specifications now on file in the office of the Director of Public Service and Safety, at a cost not to exceed One Hundred Seventy Thousand Dollars and no/100 (\$170,000.00).

**SECTION II:** That this Resolution shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor



**RESOLUTION No.** R-6-2019

Dayton Legal Black, Inc.

**RESOLUTION NAMING THE CONCESSION/EVENT AREA  
AT THE MIAMI SHORES GOLF COURSE CLUBHOUSE  
AS "THE SHORELINE"**

**WHEREAS**, the Board of Park Commissioners of the City of Troy, Ohio has determined that a name should be affixed to the new concession/event area at the renovated Miami Shores Golf Course Clubhouse; and

**WHEREAS**, the Board of Park Commissioners has recommended that the concession/event area be named "The Shoreline";

**WHEREAS**, the naming recommended by the Board of Park Commissioners meets the "Troy City Council Policy Naming of Facilities" as approved by Troy City Council on May 2, 2011, and Council further concurs that recommended naming is appropriate.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Troy, as follows:

**SECTION I:** That the concession/event area at the Miami Shores Golf Course Clubhouse shall henceforth be known by the name "The Shoreline."

**SECTION II:** That this Resolution shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council Mayor

**RESOLUTION No.** R-7-2019

Dayton Legal Blank, Inc.

**RESOLUTION ADJUSTING FEES RELATED TO VARIOUS  
SERVICES OF THE CITY OF TROY, OHIO**

**WHEREAS**, the Council recently reviewed fees related to various services provided by the City of Troy, Ohio, and

**WHEREAS**, Council concurs that certain fees need to be amended,

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Troy, Ohio, as follows:

**SECTION I:** That the schedule of fees related to various services of the City of Troy, Ohio, attached hereto as Exhibit A, is hereby adopted and any changes shall be effective April 1, 2019.

**SECTION II:** That this Resolution shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council Mayor

## EXHIBIT A

## FEES RELATED TO VARIOUS SERVICES OF THE CITY OF TROY, OHIO

Effective April 1, 2019, Resolution No. R-7-2019

TYPE	FEE
<b>PLANNING &amp; ZONING FEES</b>	
Zoning Permit - Accessory Use/Addition	\$25
Zoning Permit - Residential	\$50.00 + \$1.00 /100 s.f.
Zoning Permit - Commercial/Industrial	\$100.00 + \$1.00/100 s.f.
Change of Occupancy Permit	\$50
Sign Permit	\$25.00 + \$0.50/s.f.
Temporary Sign Permit	\$25
Home Occupancy Permit	\$25
BZA - Appeal of Zoning Administrator Decision	\$200
BZA - Variance	\$200
Rezoning Request	\$150
Planned Development Request	\$500
Historic District Application	\$0
Tent Permit	\$50
Flood Plain Development Permit	\$50
Zoning Code Text	\$15
Zoning Code Map	\$10
Comprehensive Plan Text	\$45
Comprehensive Plan CD	\$10
Demolition Permit	\$10 + \$4/1,000 s.f.(\$75 max)

## DEVELOPMENT FEES

Enterprise Zone Application	\$750
Enterprise Zone Recertification	\$750
Community Reinvestment Area Application	\$750
Community Reinvestment Area Recertification	\$0
Economic Dev. Revolving Loan Fund Application	\$500
RFL Closing Fee	1.5%
RLF Legal Fees	by invoice
RLF Title Searches	by invoice
Small Business Development Loan Application	\$100
Small Business Development Loan Closing Fee	1.5%
Small Business Development Loan Legal Fee	by invoice
Small Business Development Loan Title Search	by invoice

## ENGINEERING (SUBDIVISION REGULATIONS) FEES

Vacation/Dedication Plat	\$50
Replat	\$50
Preliminary Plat	\$50.00 + \$1.00/lot
Preliminary Plat Resubapproval	\$25
Final Plat	\$85.00 + \$1/lot
Final Plat Construction Plan	.5% of the total cost of public improvements
Fence Permit	\$10
Parkland Dedication Fee	\$500 per principal residential construction
Sidewalk/Driveway/Approach Permit	\$25
Subdivision Regulations/Construction Standards	\$25

## ENGINEERING (ROW/STORMWATER) FEES

Right-of-Way Certificate of Registration	\$500
	\$50.00 for 50 s.f. base fee. Each open cut within 500 feet shall add
Right-of-Way Permit Fee (Sod/Pavement Cuts)	\$0.25/ s.f
	\$50.00. Additional poles within a 500 foot linear distance can be under the same permit at an additional cost of \$5/pole.
Right-of-Way Permit Fee (Pole Permit)	\$50
Right-of-Way Permit Fee (Other work)	\$50
Stormwater Site Development Plan Application Fee	\$100
Stormwater Site Maintenance Plan Application Fee	\$100

## CEMETERY FEES

Purchase of Interment Rights	
Standard Grave	\$700.00
Section 14 - sold by the sq. ft. (2 grave - 12.5 X 10 ft. minimum - 125 sq. ft.)	\$22.00 per sq. ft.
Infant grave in designated Infant Area	\$100.00
Mausoleum crypt - Lower 3 Levels - Opening/Closing, and engraving of the crypt cover panel are NOT included	\$1,700.00
Mausoleum crypt - Upper 2 Levels - Cremains Only - Opening/Closing, and engraving of the crypt cover panel are NOT included	\$1,700.00
Crypt Rental Fee - Opening/Closing, and engraving of the crypt cover panel are NOT included	\$25.00 per week
Chapel Columbarium (includes Opening/Closing, weekdays until 3:00 P.M.)	Single Double
Small bronze front - includes nameplate(s)	\$600.00 \$750.00
Small glass front - includes nameplate(s) if needed	\$600.00 N/A
Large glass front - includes nameplate(s) if needed	\$900.00 \$1,050.00
Crematoria (Sections 8B & 10) includes bronze nameplate and Opening/Closing, weekdays until 3:00 P.M.)	\$650.00 \$1,100.00
Section 13 Columbarium - includes engraving and Opening/Closing weekdays until 3:00 P.M.	\$650.00 \$1,050.00
Optional stem vase - each	\$300.00

## Opening &amp; Closing, Funeral, and Related Fees

	FUNERAL ARRIVAL TIME AT THE CEMETERY FOR INTERMENT			
	Weekdays	Weekdays	Saturdays	Sundays
	7:00 a.m. - 3:00 p.m.	after 3:00 p.m.	7:00 a.m. - 11:30 a.m.	11:30 a.m. - 3:00 p.m.
Adult (70" or greater plus vault)	\$600.00	\$ 860.00	\$1,180.00	\$1,360.00
Child (vault 48" - 68" in unrestricted area)	\$330.00	\$ 530.00	\$630.00	\$1,530.00
Infant (casket/vault combination, 48" or less, in designated Infant Area)	\$190.00	\$ 300.00	\$690.00	\$800.00
Cremains in standard grave - one person	\$275.00	\$ 375.00	\$475.00	\$575.00
Cremains in standard grave - 2 cremains interred at the same time, at the same location	\$325.00	\$ 425.00	\$525.00	\$625.00
Cremains in city owned columbarium or cremorial	Included in purchase	\$ 75.00	\$100.00	\$125.00
Private Niche (in headstone or cremorial on purchased grave)	\$50.00	\$ 75.00	\$100.00	\$125.00
Mausoleum Casket Interment - Lower 3 Levels (includes required Tyvek enclosure)	\$860.00	\$ 860.00	\$1,180.00	\$1,360.00
Mausoleum Casket Interment - Upper 2 Levels (includes required Tyvek enclosure)	\$860.00	\$ 1,080.00	\$1,360.00	\$1,560.00
Mausoleum Cremains Interments	\$150.00	\$ 250.00	\$350.00	\$450.00
Extended Operations Fee - Funeral homes and/or families are subject to additional fees when cemetery operations are impacted beyond scheduled or planned agreements			\$100.00 per 1/2 hour	

NO SERVICES WILL BE SCHEDULED ON SUNDAYS AND HOLIDAYS RECOGNIZED BY THE CITY OF TROY AS EMPLOYEE HOLIDAYS

Disinterments	
	FEE
Disinterment - Adult	\$3,000.00
Disinterment - Child	\$1,000.00
Infant in designated section	\$600.00
Buried Cremains	\$330.00
Cremains in columbarium or cremorial	\$100.00

Memorial Foundations and Installations	
	FEE
Standard monument foundation - rectangular concrete foundation based on monument size - 24" deep, with a 4" margin	\$0.35 per sq. in.
Monument slab - 4" thick concrete with a 4" margin (for monuments 24" long or less)	\$110.00
Standing monument set in concrete foundation instead of resting on top	\$300.00
Installation of in-ground marker up to 36" long, on gravel	\$95.00
In-ground marker over 36" long, on gravel	\$120.00
Installation of in-ground marker on concrete	0.35 per sq. in.
Setting corner markers	\$30.00
Raising or resetting an in-ground marker	\$30.00
Installation of standard military bronze plaque on pre-formed concrete base (also for matching civilian plaque)	\$100.00
Installation of standard military granite marker, or bronze plaque on granite - granite not supplied by cemetery	\$70.00
Installation of standard military standing monument set in concrete foundation	\$150.00

## ENGINEERING (WATER/SEWER) FEES

WATER TAP-IN FEE	
5/8" x 3/4" Meter	\$2,000
1" Meter	\$3,000
1 1/2" Meter	\$5,000
2" Meter	\$10,000
4" Meter	\$15,000
Larger Meters	To be determined on a case by case basis
SEWER TAP-IN FEE	
5/8" x 3/4" Meter	\$1,200
1" Meter	\$1,600
1 1/2" Meter	\$2,200
2" Meter	\$3,000
4" Meter	\$10,000
Larger Meters	To be determined on a case by case basis
FIRE LINES	
3" Tap	\$3,000
4" Tap	\$4,500
6" Tap	\$6,000
8" Tap	\$7,500
10" Tap	\$9,000
12" Tap	To be determined on a case by case basis
16" Tap	To be determined on a case by case basis

## INDUSTRIAL PRETREATMENT INITIAL PERMIT

APPLICATION	
Industrial Pretreatment Initial Permit Application	\$150
Industrial Pretreatment Reapplication	\$75

## FIRE DEPARTMENT FEES

Automatic Sprinkler System	\$100
Automatic Extinguishing Systems	\$100
Kitchen Hood-Type I or Type II	\$50.00 /hood
Fire Alarm Systems	\$100
Fire Pump	\$100
Licensed Day Care - Annual Inspection (Type E)	\$75
Foster Care Home Inspection	\$50
Adoption Home Inspection	\$25
Group Home Inspection	\$0
Retest of Failed Fire Protection System	\$50.00/trip
Re-inspection Fee - Existing Commercial Properties (more than 2 re-inspection trips)	\$50.00/trip

## PARKING FEES

Kiosk/Meters	\$0.25/hour with \$2 per day minimum
Parking Fines paid within 72 hours	\$20
Parking Fines paid after 72 hours	\$50
Fines for Handicap spots	\$100

Other Cemetery Fees	
Pressure washing monuments, markers, or plaques	\$30.00
Refinishing bronze plaques	call for quote
Urn Vault - single urn vault for burial	\$30.00
Urn Vault - double urn vault for burial	\$60.00
Urn Vault - compact, single urn vault for burial above casket vault	\$40.00
Trusts	
Foundation for decorative metal or concrete plant container (urn, pot)	\$55.00
Painting of decorative metal or concrete plant container (urn, pot)	\$30.00
Watering plant container (per year)	\$40.00

## Grave Buy Back Policy

Grave Buy Back - The City of Troy will buy back graves from the original Monuments Dead Owner only. The City of Troy will pay the original price paid, or \$200.00 if the original price cannot be determined. Any expenses incurred in the buy back process shall be paid by the seller.



**RESOLUTION No.** R-8-2019

Dayton Legal Blank, Inc.

**A RESOLUTION APPOINTING THE CITY OF TROY, OHIO  
DIRECTOR OF PUBLIC SERVICE AND SAFETY AND  
CITY AUDITOR AS THE CITY OF TROY APPOINTEES  
TO THE BOARD OF DIRECTORS OF THE NOT-FOR-  
PROFIT CORPORATION TROY REINVESTMENT FUND  
AND DECLARING AN EMERGENCY**

**WHEREAS**, a Not-for-Profit Corporation entitled the Troy Reinvestment Fund has been formed to facilitate investment and economic development in the City of Troy, Ohio; and

**WHEREAS**, the Code of Regulations for the Troy Reinvestment Fund specify that the City of Troy, Ohio designate two (2) appointees to Board of Director positions to enhance economic development in the City of Troy, Ohio.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Troy, Ohio, as follows:

**SECTION I:** That the Director of Public Service and Safety and City Auditor of the City of Troy, Ohio are hereby appointed to serve on the Board of Directors of the Troy Reinvestment Fund.

**SECTION II:** That upon any vacancy or change in the offices of Director of Public Service and Safety or City Auditor, the successor Director of Public Service and Safety and successor City Auditor shall serve as the City of Troy, Ohio appointees to the Board of Directors for the Troy Reinvestment Fund.

**SECTION III:** That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that to enable consideration by the Internal Revenue Service Troy Reinvestment Fund's application for 501(c)(3) tax exempt status, which will allow the Troy Reinvestment Fund to begin its non-profit activities as soon as possible, the positions to be appointed to the Board of Directors must be determined and submitted that application, NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

**ORDINANCE No.** O-3-2019

Dayton Legal Blank, Inc.

**AN ORDINANCE CHANGING THE ZONING OF INLOT  
10622 (PARCEL NO. D08-104346) IN THE CITY OF TROY,  
OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT TO AN  
INDUSTRIAL PLANNED DEVELOPMENT (PD)**

**WHEREAS**, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone Inlot 10622 (Parcel No. D08-104346), located at 44 Peters Avenue in the City of Troy, and

**WHEREAS**, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

**WHEREAS**, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the zoning of Inlot 10622 (Parcel No. D08-104346), located at 44 Peters Avenue in the City of Troy, Ohio be changed from M-2, Light Industrial District to an Industrial Planned Development (PD).

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor



**MEMORANDUM**

**TO:** Mrs. Baker, President, Troy City Council  
**FROM:** Sue Knight, for the Troy Planning Commission  
**DATE:** January 9, 2019  
**SUBJECT:** **REPORT OF THE PLANNING COMMISSION ON THE REZONING OF PARCEL D08-104346, INLOT 10622, LOCATED AT 44 PETERS AVENUE, FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO AN INDUSTRIAL PLANNED DEVELOPMENT (PD)**

On January 9, the Troy Planning Commission considered the rezoning of Parcel D08-104346, Inlot 10622, from M-2, Light Industrial District, to an Industrial PD. This parcel is located at 44 Peters Avenue. The owner/applicant is Jason Marko (U-Stor-It). The parcel consists of 1.117 acres and is located on the south side of Peters Avenue.

The applicant's intention is to construct a second separate building of self-storage units. The established zoning on this property is M-2 Light Industrial District. There is one structure on the property built in 2016. As the Zoning Code does not permit two principle structures on a lot under a standard M-2 zoning, the owner has applied for an Industrial PD zoning, which would allow the additional structure. All other requirements of the M-2 zoning would continue.

The surrounding area contains a mix of developed properties, Residential to the northwest, Commercial to the east and south, and Industrial uses to the west.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Parcel D08-104346, Inlot 10622, be rezoned from M-2, Light Industrial District, to an Industrial PD, based on the findings of staff that:

- The proposed development is a permitted use for the current zoning designation;
- The site will conform to existing code requirements for the M-2 Light Industrial District.
- The proposed PD is needed to allow for the additional placement of a principle structure due to existing conditions on the property.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the February 19 meeting of Council.

encl.





TO:	Troy Planning Commission
FROM:	Planning Staff
DATE:	January 9, 2019
SUBJECT:	Rezoning Request – 44 Peters Rd, M-2 Light Industrial District to a Planned Development
OWNER:	Jason Marko
APPLICANT:	Jason Marko (U-Stor-It)

### **DISCUSSION:**

Property and business owner Jason Marko, requests a zoning amendment for a Planned Development on 44 Peters Road (Parcel D08-104346), which consists of 1.117 acres and located on the south side of Peters Road. The applicant's intention is to construct a second separate building of self-storage units. A map and site plan depicting the proposed layout of the property has been attached to this report.

The established zoning on this property is M-2 Light Industrial District. The property currently has one structure on the property built in 2016. The surrounding area contains a mix of developed properties, Residential to the northwest, Commercial to the east and south, and Industrial uses to the west.

### **PROPOSAL:**

**Layout:** The layout includes the current existing building measuring 5,200 square feet of gross floor area located to the north portion of the property. The proposed development contains a new 30 ft. by 220 ft. building, for a total of 6,600 square feet, with vehicular access around the proposed building and additional paved area for outdoor storage to the south. There will be a green space in the south west portion maintained for drainage and additional landscaping along the east and south property lines shown in Exhibit D-4.

**Uses:** The proposed use for the Planned Development will be for a self-storage facility with outdoor storage as permitted in the M-2 zoning district. Other uses may be allowed as permitted in the M-2 Light Industrial zoning district.

**Parking:** The development contains 3 parking spaces. The parking area currently has one driveway access onto Peters Road. The proposed parking area meets the zoning code requirements for the number of parking spaces.

**Parks & Recreation Facilities:** This planned development does not propose any common open space or recreational facilities.

**Traffic:** The developer provided that at other currently owned storage facilities that only 1-2 vehicles per week access the sites. Higher usage would generally be one per day.

**Utilities:** This development will be served by existing City water and sewer lines. The plan seeks to mitigate storm water control by utilizing the existing storm sewer system on the property by installing a new section of storm sewer line.

Since the project is disturbing less than an acre there is no requirement for a detention basin.

**Protective Covenants:** Given this site is currently being used for the same use. The applicant doesn't have a need for any extra covenants or restrictions on the property. There are existing easements for the sewer and storm water utilities located on the property. Please see Exhibit D-6 for discussion of covenants, grants, easements and restrictions.

**Modifications:** There are no needed modifications from the Zoning code requirements for this development outside of the proposed two principle buildings on the lot.

**Comprehensive Plan Compliance:** The Troy Comprehensive Plan indicates the proposed area to be developed as commercial and industrial use according to the Future Land Use Map. The property is currently used as an industrial use and this expansion would be in compliance with the comprehensive plan.

#### **GENERAL PLANS STANDARDS:**

Section 1145.16 of the Zoning Code requires that Planning Commission review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, all of the following criteria:

- (1) The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances; **The Troy Comprehensive Plan states as an economic development goal to capture the ability for local businesses to expand. The Comprehensive plan has the area as existing industrial and commercial use.**
- (2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning; **The exemption to conventional zoning is justified. The Comprehensive plan promotes industrial development. The proposed PD will allow the expansion of an existing use and use of the remaining property.**
- (3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances; **The Plan is compatible with these characteristics.**
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; **The Plan is designed to have minimal impact on the surrounding streets and utilities.**
- (5) The General Plan represents an efficient and economic use of the land in view of the community's need for a balance of land uses; **The property is currently utilized as an industrial property, for the permitted use of self-storage units. The expansion of an existing use is in keeping with the ordinance and Comprehensive Plan.**
- (6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or



- improved by the developer and/or City in time to permit the development to be properly served; **The infrastructure is currently on-site and will be maintained by existing easements.**
- (7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community; **An exemption is warranted from regular zoning. The PD proposes to provide the ability to expand the current permitted uses, while maintaining clear access to the utility infrastructure on the property.**
  - (8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City; **Not applicable in this request.**
  - (9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City; **The proposed PD will allow the continued use to be expanded and should have no negative impact on the health, safety or welfare of the City.**
  - (10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section. **The General Plan is capable of implementation by a Final Development Plan.**

#### **ZONING CODE:**

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:

*(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.*

The rezoning would be consistent with the following sections of the Zoning Code:

1131.02 (e) "To separate incompatible land uses and cluster compatible and mutually supportive land uses."

1131.02 (g) "To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision."

1131.02 (k) "To facilitate the efficient and economical development and use of land and public facilities."

1131.02 (q) "To promote the economic vitality of business and industry."

*(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.*

**No changes in the area have created this rezoning request.**

*(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.*

The proposed use of the property is compatible with the other uses in the immediate vicinity. The proposed use is the current and permitted use on the property.

*(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.*

The proposed PD is currently served by City water and sewer. All other public services can be provided with the proposed rezoning.

*(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.*

The property is surrounded by various developed property uses. This property does have existing storm water and sanitary sewer utility lines running through portions of the property which is the reason for the proposed PD.

*(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.*

Not applicable in this request.

Staff is not recommending a Public Hearing at this time for Planning Commission.

**RECOMMENDATION:**

It is recommended that Planning Commission consider a formal positive recommendation to the City Council regarding the proposed General Plan, based upon the following:

- The proposed development is a permitted use for the current zoning designation;
- The site will conform to existing code requirements for the M-2 Light Industrial District.
- The proposed PD is needed to allow for the additional placement of a principle structure due to existing conditions on the property.



Scheduled Planning Commission Meeting  
(Held every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 3:30 p.m.)

Date Requested: \_\_\_\_\_  
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed 1/2/2019  
Accepted by Clark/Kw.  
Filing Fee Pd. \$500.00  
Receipt # \_\_\_\_\_

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

**APPLICATION FOR A PLANNED DEVELOPMENT**  
**CITY OF TROY PLANNING COMMISSION**

(MUST BE TYPED OR PRINTED LEGIBLY IN BLUE INK)

(READ SECTION 1145 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for a Planned Development located at 44 Peters Ave.  
(Street Address)

being lot number(s) D08-104346  
(Parcel Identification Number)

**OWNER**

**APPLICANT**

Name Jason Marko

Name Jason Marko

Address 620 W. Market St

Address 620 W. Market St

City Troy

City Troy

State OH

State OH

Zip Code 45373

Zip Code 45373

Phone No. 937-689-1916

Phone No. 937-689-1916

Fax No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Email nosibs@aol.com

Email nosibs@aol.com

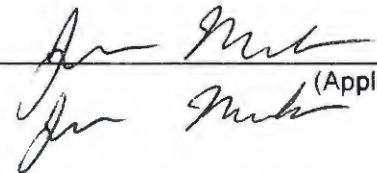
The applicant is the owner of the property, which is subject to this application.  
(State the interest of the applicant)

**PLEASE PROVIDE THE FOLLOWING:**

1. Documentary evidence that establishes the legal or beneficial nature of the applicant's interest in the tract or parcel(s) and in the proposed planned development: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. Written description identifying the principal types of uses to be included in the planned development: Attach as **EXHIBIT "C"**.
4. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
  - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, its present zoning classification, existing and proposed uses: Attach as **EXHIBIT "D-1"**.
  - b. The location and arrangement of proposed buildings and structure, the proposed traffic circulation pattern within the planned development, the location and width of all proposed streets and public ways, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, the location of public of common

- open space, if any, including parks, playgrounds, school sites, and recreational facilities: Attach as **EXHIBIT "D-2"**.
- c. Statement indicating the intensity of land use to be allocated to all parts of the area to be developed; including the use, approximate height, bulk, and gross floor area of buildings and other structures, and the percentage of the site which is to be occupied by buildings and structures; Attach as **EXHIBIT "D-3"**.
  - d. Sketches or renderings of the proposed buildings, structures and landscaping to properly describe the proposed project: Attach as **EXHIBIT "D-4"**.
  - e. Statement describing the provisions to be made for the care and maintenance of common open space or recreational facilities, proposed articles of incorporation and by-laws of the responsible entity: Attach as **EXHIBIT "D-5"**.
  - f. Statement describing in detail the substance of covenants, grants or easements or other restrictions to be imposed upon the use of land, buildings and structures, including easements for public utilities: Attach as **EXHIBIT "D-6"**.
  - g. Statement setting forth in detail all modifications required in the regulations otherwise applicable to the subject property: Attach as **EXHIBIT "D-7"**.
5. The present zoning classification of all surrounding lands located within two hundred fifty (25) feet of the land proposed to be reclassified: Attach as **EXHIBIT "E"**.
  6. The names and addresses, and lot number of the owners of property within a radius of two hundred fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "F"**.
  7. Two (2) sets of mailing labels of property owners, & fifteen (15) complete sets of information no larger than 11"x17".

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

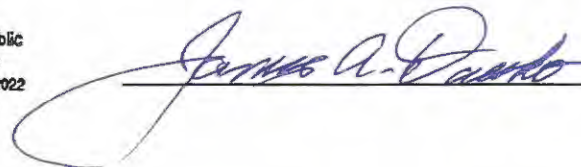
  
(Applicant Signature)

Subscribed and sworn to before me this 20<sup>th</sup> day of JANUARY, 20 19

My Commission Expires APRIL 17, 2022  
(Month/Date/Year)



JAMES A. DANDO, Notary Public  
In and for the State of Ohio  
My Commission Expires April 17, 2022  
Recorded in Miami County

  
(Notary Public)

**REQUIRED DOCUMENTS:**

<i>RW</i>	EXHIBIT A	Nature of applicant interest
<i>RW</i>	EXHIBIT B	Legal Description of land
<i>RW</i>	EXHIBIT C	Written description principal uses
<i>RW</i>	EXHIBIT D-1	Dimensions
<i>RW</i>	EXHIBIT D-2	Location/arrangement of buildings & structures
<i>RW</i>	EXHIBIT D-3	Intensity of Land Use
<i>RW</i>	EXHIBIT D-4	Sketches property describing proposed buildings
<i>RW</i>	EXHIBIT D-5	Description of maintenance of open space or recreational facilities
<i>RW</i>	EXHIBIT D-6	Description of covenants, grants, easements or other restrictions
<i>RW</i>	EXHIBIT D-7	Modifications of regulations
<i>RW</i>	EXHIBIT E	Zoning classification of parcels within 250 feet of parcel
<i>RW</i>	EXHIBIT F	Property owners list within 250 feet of parcel
<i>RW</i>	Labels	Two (2) Sets of Mailing Labels of Property Owners
<i>Dy 3/21</i>	Copies	Fifteen (15) Complete Sets in a reproducible format 11"x17"
<i>RW</i>	Filing Fee	Check issued to City of Troy for \$500.00

Additional Documentation (List):

**PLANNING COMMISSION DISPOSITION:**

\_\_\_\_\_ PUBLIC HEARING DATE

\_\_\_\_\_ RECOMMENDATION TO CITY COUNCIL

**CITY COUNCIL DISPOSITION:**

1 <sup>st</sup> Reading: _____	2 <sup>nd</sup> : _____	3 <sup>rd</sup> : _____	PUBLIC HEARING DATE
_____			COUNCIL COMMITTEE RECOMMENDATION
Approved: _____	Denied: _____	CITY COUNCIL ACTION	
Ordinance Number: _____			
Effective Date: _____			

# **U-STOR-IT<sup>LLC</sup>**

**PLANNING AND DEVELOPMENT 2019**

**44 PETERS AVENUE  
TROY, OH 45373**



# EXHIBIT A

I would like to construct a second storage facility behind the current building at 44 Peters Avenue. Due to existing storm water and sanitary lines the addition cannot be attached to the existing structure, therefore it must be a stand alone building.

I would like approval to exempt the requirement that building be connected by a breezeway. The installation of a breezeway would be aesthetically awkward, may cause delays in accessibility of the public utilities.

# EXHIBIT B

Situated in the City of Troy, Miami County, Ohio and being more particularly described as Inlot 10622 City of Troy.

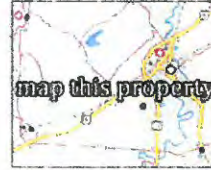
## Data For Parcel D08-104346

[Print](#) [Email](#) [Property Card](#) [Comparables](#)

[Base](#) [Land Valuation](#) [Sales Sketch](#) [Tax Improvements](#) [Additions](#) [Residential](#) [Agricultural](#) [Commercial](#) [Commer](#)

### Base Data

**Parcel:** D08-104346  
**Owner:** MARKO JASON GREGORY  
**Address:** 44 PETERS AVE



### Tax Mailing Address

**Tax Mailing Name:** MARKO JASON GREGORY  
**Address:** 44 PETERS AVE  
**City State Zip:** TROY OH 45373

### Owner Address

**Owner Name:** MARKO JASON GREGORY  
**Address:** PETERS AVE  
**City State Zip:** TROY OH 45373

### Geographic

**City:** TROY  
**Township:** CONCORD  
**School District:** TROY CSD

### Legal

<b>Legal Acres:</b>	1.117	<b>Homestead Reduction:</b>	NO
<b>Legal Description:</b>	IN LOT 10622	<b>2.5% Reduction:</b>	NO
<b>Land Use:</b>	480 - COMMERCIAL WAREHOUSES	<b>Foreclosure:</b>	NA
<b>Neighborhood:</b>	D1400	<b>Board of Revision:</b>	NO
<b>Number Of Cards:</b>	1	<b>New Construction:</b>	NA
<b>Annual Tax (Does not include delinquencies.):</b>	\$2,039.09	<b>Divided Property:</b>	NA
<b>Map Number:</b>	050628.4-03-005-00	<b>Routing Number:</b>	050628.4-03-005-00

### Photos



EXHIBIT B

# EXHIBIT C

The property is to be used for storage rentals. Consisting of two buildings.

Existing Building

- one area open warehouse storage (48x50)
- one area of individual garage storage (30x60)

Proposed building

- one building of individual garage storage (30x220)

Future fencing to be in compliance with fence code.

# EXHIBIT D-1

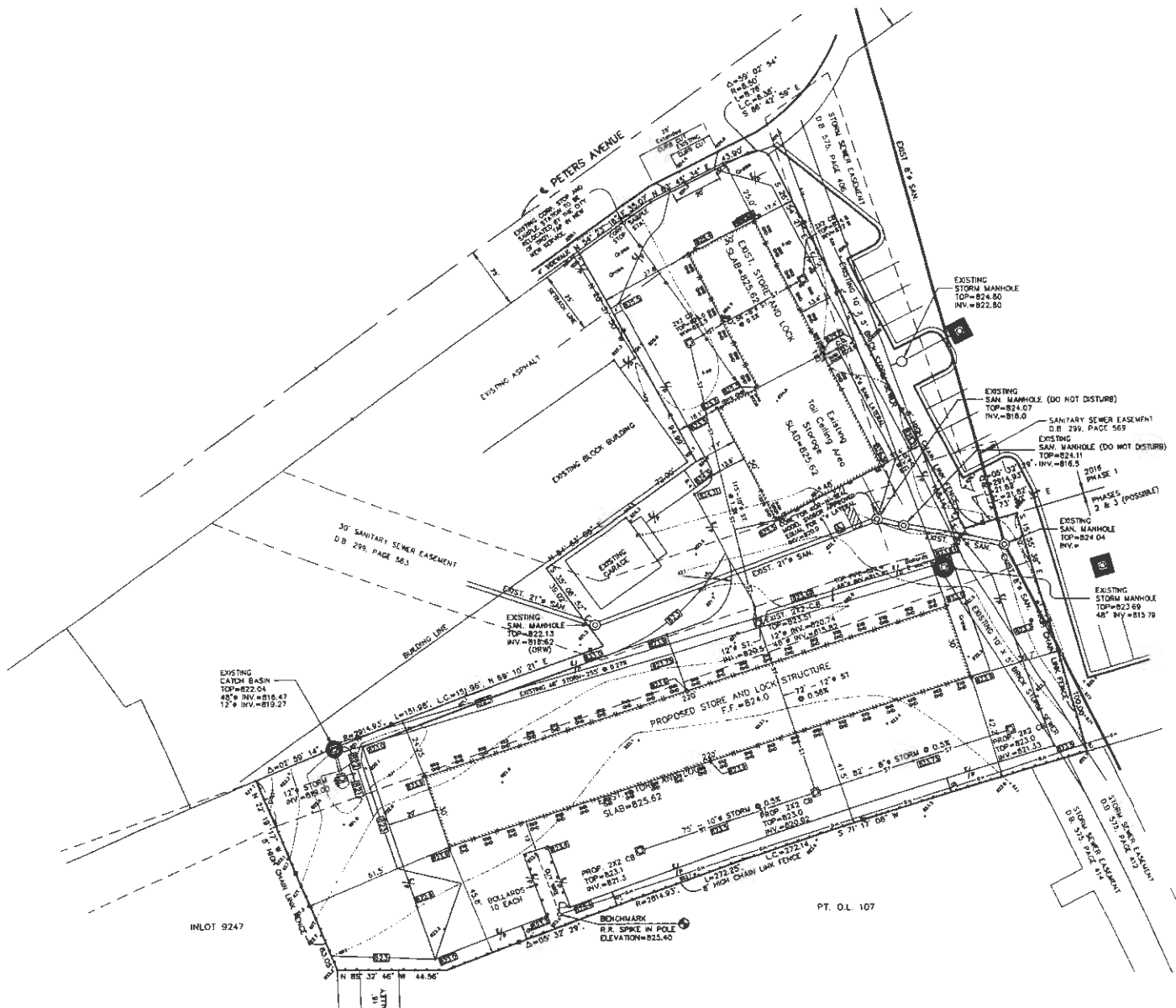
DIMENSIONS 30FT X 220FT

LOT # IN LOT 10622

ZONING M-2 LIGHT INDUSTRIAL DISTRICT

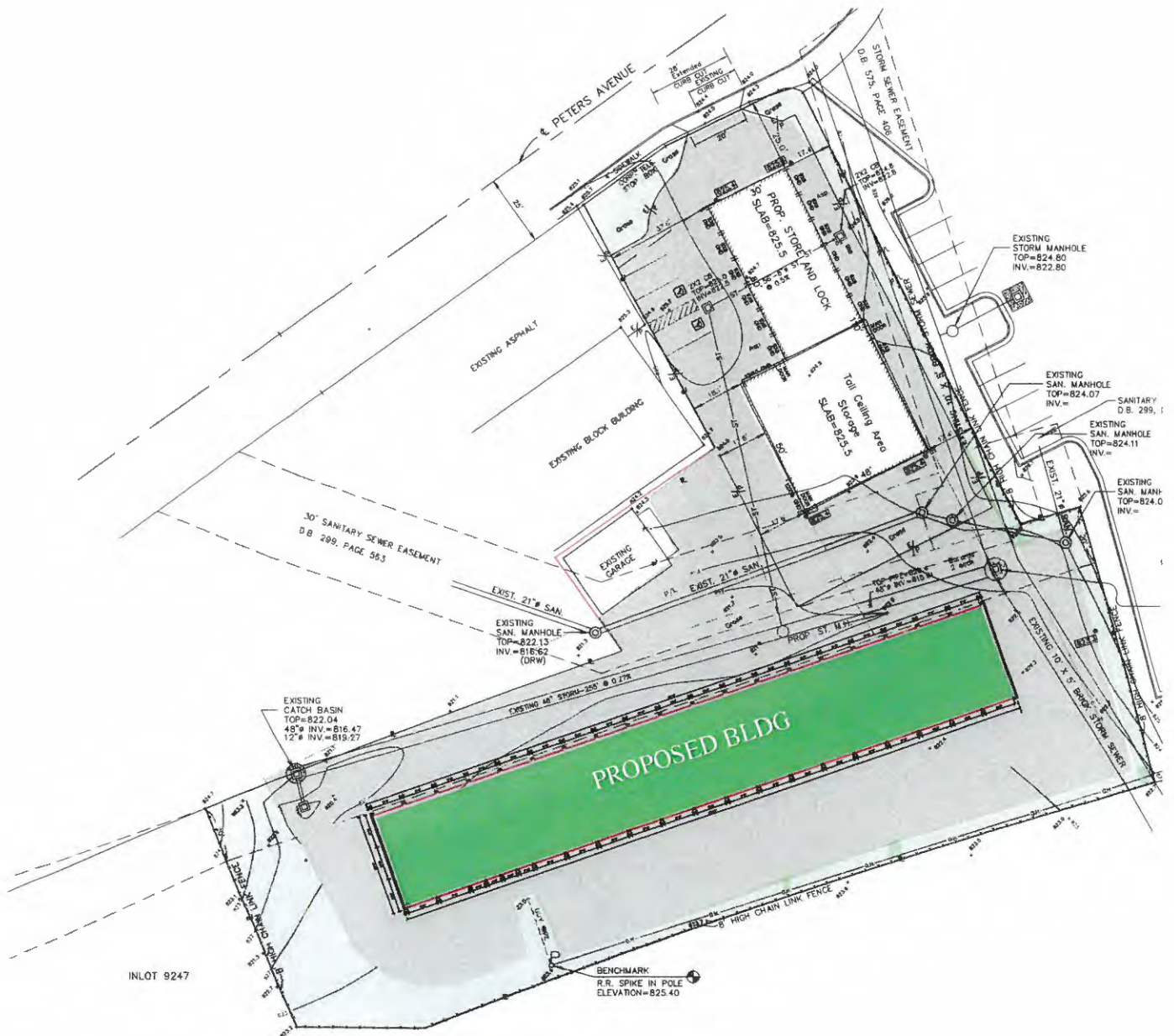
EXISTING USE - STORAGE FACILITY AND VACANT LOT

PROPOSED - ADDITIONAL STORAGE FACILITY





# EXHIBIT D-2



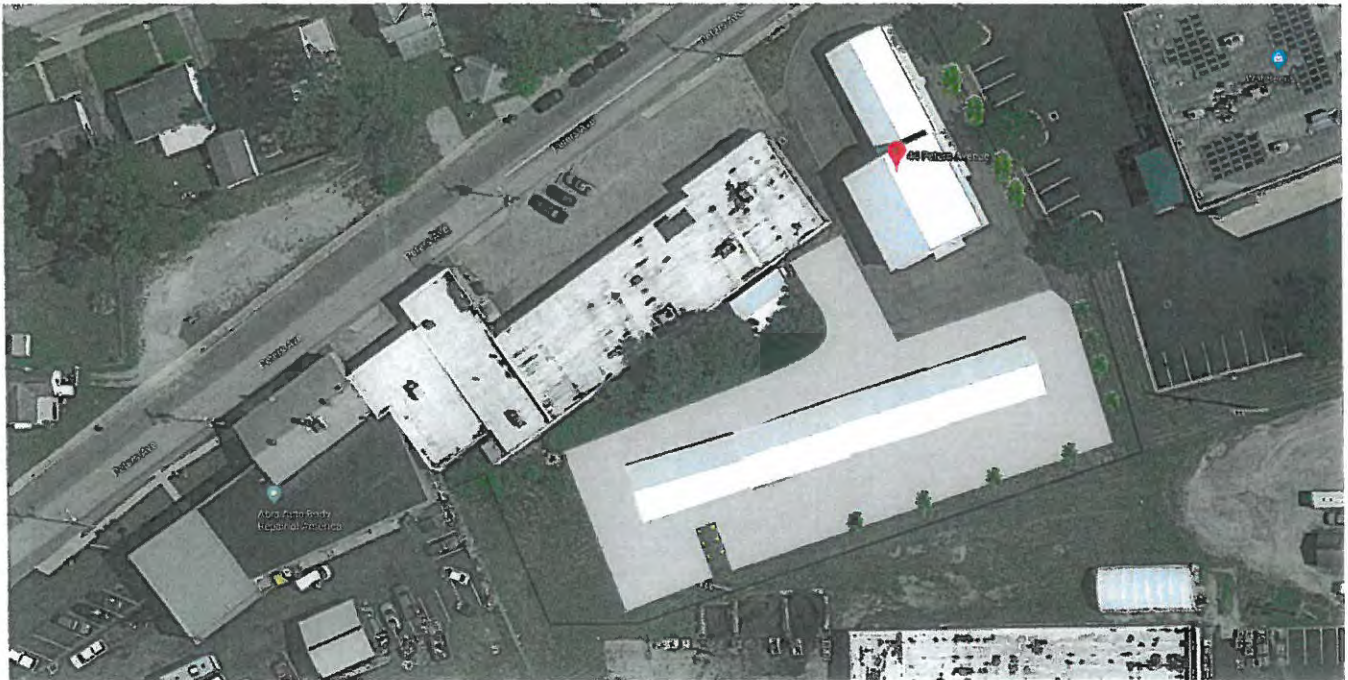
# EXHIBIT D-3

Based on previous traffic volume at existing locations intensity of use is expected to be 1-2 vehicular visits per week. With the possibly exception of one daily.

The proposed building exterior dimensions are 30ft x 220ft (appx 6500sq ft) with a eave height of 9 ft and a peak of 10-12ft.

Approximately 22% of land will be occupied by structures.

## EXHIBIT D-4



# EXHIBIT D-5

**Property is to be maintained on weekly- bi monthly basis. Including mowing, debris removal and cleanup and snow clearing as necessary. No items will be allowed to be stored outside of units, with exception of designated areas for outdoor storage.**



# EXHIBIT D-6

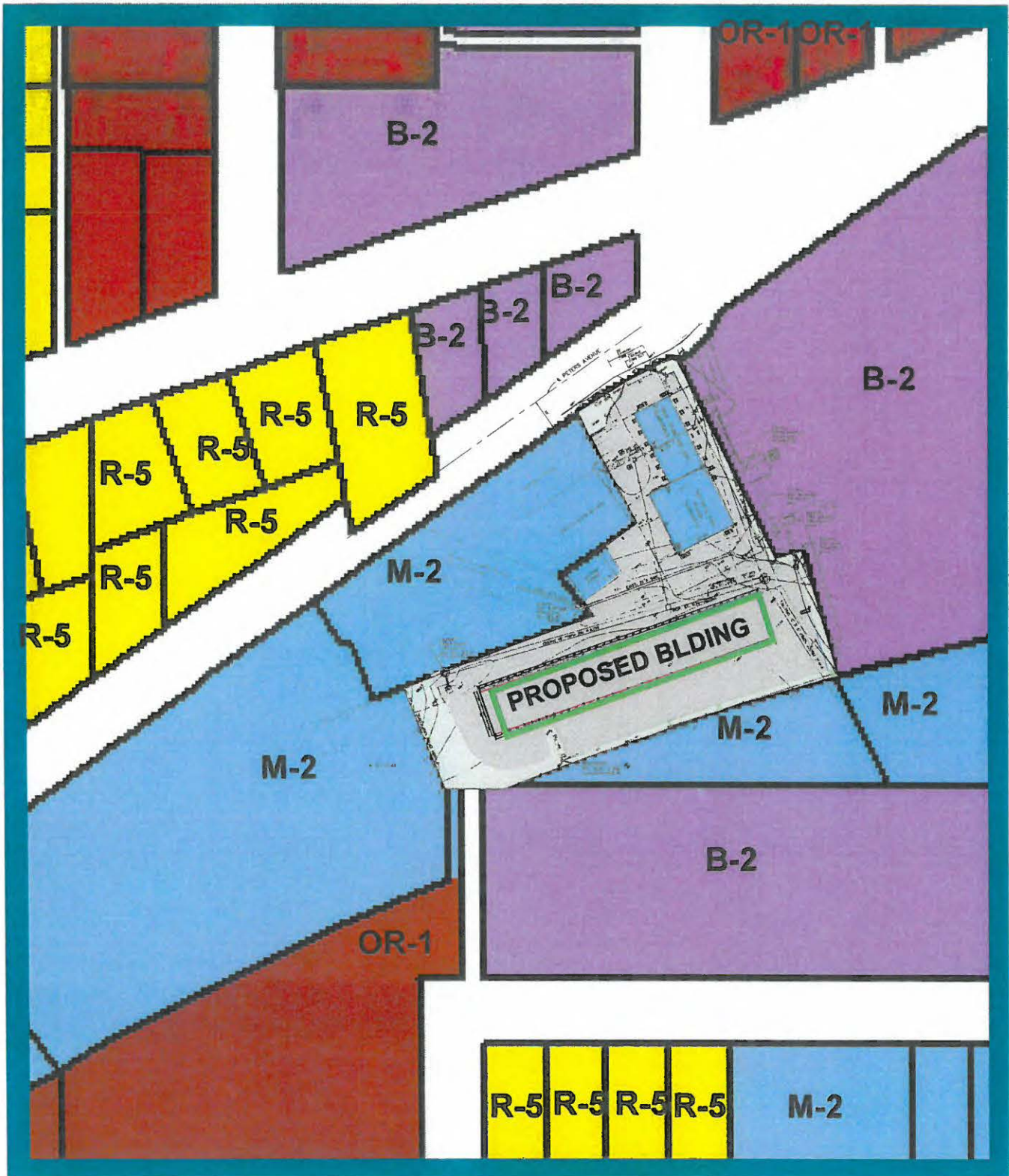
**There are no covenants or grants to be imposed upon the use of land, buildings and structures except those that may be imposed by the creation of this Planned Development.**

**No restrictions to access of public utilities with prior notice to enter.**

# EXHIBIT D-7

**This proposed Planned Development requires a waiver to Section 1149.04 of the City of Troy Zoning Code to permit additional structure to be built on one lot as shown in Exhibit “D-2”.**

# EXHIBIT E



**B-2 GENERAL BUSINESS**

**M-2 LIGHT INDUSTRIAL**

**R-5 SINGLE FAMILY RESIDENTIAL**

**OR-1 OFFICE RESIDENTIAL**

EXHIBIT E

**ORDINANCE No.** 0-4-2019

Dayton Legal Blank, Inc.

**ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER  
INTO AN INTERGOVERNMENTAL AGREEMENT REGARDING  
THE PURCHASE OF LIME FROM THE CITY OF DAYTON, OHIO**

**WHEREAS**, the City of Dayton, Ohio has surplus reclaimed pebble lime and has been selling such surplus lime to the City of Troy, Ohio based on availability of the lime; and

**WHEREAS**, the City of Troy has requested a change to the current agreement with the City of Dayton, Ohio to include the City of Dayton removing additional sludge residual from the City of Troy's Water Treatment Plant Lime Sludge Lagoons.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to enter into a five-year intergovernmental agreement with the City of Dayton, Ohio, to purchase reclaimed pebble lime from the City of Dayton, Ohio, in substantial accordance with the agreement attached hereto as Exhibit A and made a part hereof.

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_  
President of Council

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council Mayor

## INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is entered into this day of \_\_\_\_\_, 2019 (the "Effective Date"), by and between the City of Dayton, Ohio ("Dayton"), the City of Troy, Ohio ("Troy"). For purposes of this Agreement, Dayton and Troy are collectively hereinafter referred to as the "Parties" and individually as a "Party".

## WITNESSETH:

WHEREAS, Dayton desires to supply bulk pebble lime ("Product") to Troy from its Lime Reclamation Facility ("Facility"); and,

WHEREAS, Troy desires to supply lime softening Residuals ("Residuals") to Dayton and to procure the Product from Dayton.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and in accordance with Section 715.02 of the Ohio Revised Code, Dayton and Troy agree as follows:

## ARTICLE I. SCOPE OF SERVICES

Dayton shall provide and supply Troy with Product from its Facility. Product shall meet NSF60 and NSF61 and American Water Works Association ("AWWA") Specifications B202-93 and B202A-97. Dayton shall include analytical results for all Product shipped. All analysis submittals will be based on AWWA testing procedures for Quick Lime. Product shall be supplied in lump form diameter ¼" – ½". The Product shall be of the best quality freshly burned and shall be substantially free of core, ash, dirt, hard, or unburned stone or other foreign matter. Product shall contain a minimum of 90% available calcium oxide and less than 5% magnesium oxide. Dayton, at its sole cost and expense, shall provide the trucking/hauling of Product from Dayton to Troy and the trucking/hauling of Residuals from Troy to Dayton. All testing shall be performed by Dayton, at its sole cost and expense.

Dayton and Troy shall coordinate delivery dates and times for Product and the loading dates and terms for Residuals. Dayton shall pick up Residuals at Troy's lime lagoons located at 300 E. Staunton Road, Troy, Ohio (the "Lagoon Site"). Dayton shall deliver Product to Troy's facility located at 300 E. Staunton Road, Troy, Ohio (the "Receiving Site").

Dayton shall invoice Troy on a monthly basis based on weight tickets for Product delivered to the Receiving Site. Nothing in this Agreement will prevent Dayton from contracting, at its sole cost and expense, with private companies for hauling and/or trucking of Product and/or Residuals.

Dayton shall provide their own method of removing the Residuals from the Lagoon Site in a manner that is acceptable to Troy and in a manner which will not damage the lagoons or related improvements. No work will be permitted on Sundays and holidays except upon specific authorization of the Troy. Dayton shall take all necessary precautions to assure that there will be no spillage of Residuals or Product at the Lagoon Site or the Receiving Site or while they are in transit. Dayton, at its sole cost and expense, shall clean up spillage resulting from the loading,

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unloading or transport of Residuals and Product. In addition, Dayton must comply with Troy's Wellhead Protection Ordinance #OR98-10-102 and OR98-10-103 as they may apply to the work being performed to protect the sensitive drinking water supply located at the site.

## ARTICLE II. PROVISION OF RESIDUAL

Troy shall provide, and Dayton shall take, a minimum amount of Residuals (the "Residuals Minimum") in accordance with the schedule outlined in Exhibit A, attached hereto and incorporated herein by reference. Residuals shall be received at a rate of 2.5 times the Product purchased (based on the previous year), in accordance with the schedule in Exhibit A. Dayton, at its sole cost and expense, shall remove the Residual from the Lagoon Site and transport the Residuals to the Facility at 1048 Ottawa Street, Dayton, Ohio. Troy may request Dayton to remove additional residuals not to exceed the "Maximum Dry Ton" totals in Exhibit A. The removal of residuals in excess of the rate of 2.5 times the Product purchase will be at Troy's expense, at a rate of \$39.50 per dry ton with a minimal yearly increase of 3%. The City of Troy shall be billed for the additional removal within 30 days of the completion of the removal. Nothing in the Agreement shall prohibit Troy from contracting with other entities for the removal of Residuals in excess of the Residuals Minimum.

Title to the Residuals and risk of loss with respect to the Residuals shall pass to Dayton when the Residuals are loaded onto the transport at the Lagoon Site. Dayton shall not dispose of Residuals except as provided for in this Agreement.

## ARTICLE III. PURCHASE OF PRODUCT

Troy shall purchase minimum amounts (the "Product Minimum") of the Product in accordance with the schedule in Exhibit B attached hereto and incorporated herein by reference. Troy shall pay One Hundred Seventy Dollars and Zero Cents (\$170.00) per ton of the Product ("Purchase Price"). Nothing in this Agreement shall prohibit Troy from purchasing Product in excess of the Product Minimum from other sources. The Purchase Price includes the cost to transport the Product to the Receiving Site. Title to the Product and risk of loss with respect to the Product shall pass to Troy when the Product is unloaded at the Receiving Site.

The Parties acknowledge that operation of the Facility and production of the Product is subject to cost inflation over time. There are two circumstances under which Dayton may increase the Purchase Price to Troy under this Agreement:

- (1) Beginning on January 1, 2019, the Purchase Price may be increased annually based on an increase the Producer's Price Index for Lime Manufacturing, Product Code 327410-0 (the "Index"), as published by the United States Department of Labor, Bureau of Labor Statistics. The Purchase Price adjustment will be calculated on the simple percentage method as follows:

Escalation Factor = (latest Index at time of calculation) / (Index 12 months prior to latest Index).

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By way of example, assume the following:

Current Index (October, 2018)	105
Prior Year's Index (October, 2017)	100
Escalation Factor = (105/100)	1.05

This calculation indicates that the Purchase Price could increase by 5% beginning January 1, 2019.

- (2) In the event the spot price of natural gas, as reflected in the NYMEX Henry Hub Natural Gas index, remains at or above the price range per million British thermal units as stated in Column A below for a period of three (3) consecutive months, then the Purchase Price shall be adjusted in the following month to the corresponding price in Column B below ("Adjusted Purchase Price"):

Column A Price Natural Gas/Millions BTU	Column B Price Product/Ton
\$3.00 or less	\$170.00
\$5.50 or more	\$175.67
\$6.00 or more	\$181.33
\$6.50 or more	\$187.00
\$7.00 or more	\$192.67

The Purchase Price may be increased by either of the methods specifically detailed above, but not both in any given year. Dayton will provide at least fifteen (15) calendar days' prior written notice to Troy of any change in Purchase Price and the methodology used to calculate said change. Troy shall pay the Adjusted Purchase Price, if any, in effect at the time of delivery of the Product.

## ARTICLE IV. TERM

This Agreement shall commence on the Effective Date and terminate on January 1st, 2024, unless terminated earlier pursuant to Article V herein. The Parties may extend the term of this Agreement for three (3) additional periods of five (5) years each upon mutual agreement regarding terms and conditions, including prices. Any extension shall be by written amendment to this Agreement pursuant to Article XIV herein.

## ARTICLE V. TERMINATION

Troy may terminate this Agreement upon written notice given to Dayton in the event of Dayton's substantial failure to perform its duties and responsibilities as set forth herein. Dayton shall have thirty (30) calendar days from the date of the notice of termination in which to cure any breach or to submit a plan to cure acceptable to Troy.

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Dayton may terminate this Agreement in the event of substantial failure by Troy to perform its duties and responsibilities as set forth herein. Troy shall have thirty (30) calendar days from the date of notice of termination which has been given to Troy in which to cure any breach or to submit a plan to cure acceptable to Dayton.

Notwithstanding any other provision contained in this Agreement, Troy may terminate this Agreement, without cause and without liability, on at least ninety (90) calendar days' prior written notice given to Dayton.

## ARTICLE VI. DELAYS

No Party shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing Party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; flood; earthquake; fire; epidemic; war, riot, or other civil disturbance; strike, lockout, work slowdown, or other labor disturbance; sabotage; judicial restraint; and inability to procure any permit, license, or authorization from any local, state, or federal agency for any required supplies, materials, accesses, or services.

In the event any of the circumstances in the preceding paragraph occurs, the non-performing Party shall, within a reasonable time of being prevented from performing, give written notice to the other Party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement. In the event such delay continues unabated for thirty (30) calendar days, then the Party whose performance has not been affected by the delay shall have the right to terminate this Agreement on the date set forth in the written notice of termination given to the other Party.

## ARTICLE VII. EQUAL EMPLOYMENT OPPORTUNITY

Neither Party shall discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, ancestry, national origin, place of birth, age, marital status, or handicap with respect to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, lay-off, termination, rates of pay or other forms of compensation, or selection for training, including apprenticeship.

It is expressly agreed and understood that Section 35.14 of the Revised Code of General Ordinances of the City of Dayton constitutes a material condition of this Agreement as fully and as if specifically rewritten herein and that failure to comply therewith shall constitute a breach thereof entitling either Party to terminate this Agreement at its option.

## ARTICLE VIII. GOVERNING LAW AND VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts or choice of laws. Any litigation or other legal matter regarding this Agreement or performance by either Party must be brought in a court of competent jurisdiction in Montgomery County, Ohio.

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## ARTICLE IX. COMMUNICATIONS

Any written communication or notice required or permitted by this Agreement shall be made in writing and shall be delivered personally or sent by overnight delivery service or certified mail, postage prepaid, to the appropriate address below:

Dayton: City of Dayton, Department of Water  
320 West Monument Avenue  
Dayton, Ohio 45402  
Attention: Mr. Michael Powell  
Director, Department of Water

Troy: City of Troy,  
100 South Market Street  
Troy, Ohio 45371  
Attention: Mr. Patrick Titterton

Such notice, if delivered personally or by overnight courier service, shall be deemed given and delivered at the time of delivery or refusal of delivery; or, if sent by certified mail, shall be deemed given and delivered three (3) calendar days after the time of mailing with appropriate postage attached thereto.

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of the Parties.

## ARTICLE X. WAIVER

A waiver by any of the Parties of any breach of this Agreement shall be in writing. Such a waiver shall be effective only in the specific instance and for the specific purpose for which it is given and shall not affect the waiving Party's rights with respect to any other or further breach.

## ARTICLE XI. SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void, unenforceable, invalid or illegal provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision. The Parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision, which is of the essence of this Agreement, be determined void.

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IN WITNESS WHEREOF, the Parties, each by a duly authorized representative, have executed this Agreement on the date first written above.

### CITY OF DAYTON, OHIO

By: \_\_\_\_\_

Title: \_\_\_\_\_

### APPROVED:

Director, Department of Water

### CITY OF TROY, OHIO

By: \_\_\_\_\_

Title: \_\_\_\_\_

### Approval as to Form:

Troy Law Director

### APPROVED AS TO FORM AND CORRECTNESS:

City Attorney

### APPROVED BY THE COMMISSION OF THE CITY OF DAYTON, OHIO

\_\_\_\_\_, 2019

Min/Bk. \_\_\_\_\_ Pg. \_\_\_\_\_

Clerk of Commission

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## ARTICLE XII. ASSIGNMENT

Neither Party shall assign any rights or duties under this Agreement without the prior written consent of the other Party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Dayton from employing independent contractors to assist in the performance of its duties and responsibilities hereunder.

## ARTICLE XIII. THIRD-PARTY RIGHTS

Except as expressly provided in this Agreement, nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Parties.

## ARTICLE XIV. AMENDMENT

The Parties may mutually agree to amend this Agreement. However, no such amendment shall be effective unless it is reduced to a writing which references this Agreement and which is executed by a duly authorized representative of each of the Parties and, if applicable or required, approved by the legislative authority of any of the Parties.

## ARTICLE XV. INTEGRATION

This Agreement, together with the Exhibits and Purchase Order attached to it, represent the entire and integrated agreement the Parties and supersede all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement. For purposes of this Agreement, the term "Effective Date" shall be the date that this Agreement is signed by Troy, which date shall be set forth in the first paragraph of this Agreement.

## ARTICLE XVI. POLITICAL CONTRIBUTIONS

The Parties affirm and certify that they comply with Ohio Revised Code § 3517.13 limiting political contributions.

## ARTICLE XVII. COMPLIANCE WITH LAWS

The activities taken by Dayton in connection with the performance of its duties under this Agreement shall comply with all applicable laws, rules and regulations.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]

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## EXHIBIT A TO INTERGOVERNMENTAL AGREEMENT

### PROVISION OF MINIMUM AMOUNTS OF RESIDUALS

This table defines the amount of Residuals that Dayton may remove from the Lagoon Site. Any proposed deviation from this table will require advanced written approval signed by Dayton and Troy.

Annual Minimum, Dry Tons Sludge	2.5 Times Purchased Product of previous yr.
Annual Dry Tons Residuals Maximum, Dry Tons Sludge	5,000

## EXHIBIT B TO INTERGOVERNMENTAL AGREEMENT

### PURCHASE OF MINIMUM AMOUNTS OF PRODUCT

This table defines the anticipated quantities of Product to be purchased by Troy from Dayton. All parties will endeavor to schedule purchases and deliveries in a manner that promotes Troy purchasing 100% of their pebble lime needs from Dayton. Should circumstances prohibit this from being possible, Troy will purchase pebble lime from a third party provider.

Annual Quantity, Tons	1,364
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**ORDINANCE No. 0-5-2019**

Dayton Legal Blank, Inc.

**ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO  
EXECUTE TREASURE ISLAND NON-TICKETED USE  
AGREEMENTS FOR 2019 EVENTS AT TREASURE ISLAND PARK**

**WHEREAS**, the City of Troy has improved Treasure Island Park and included features to accommodate concerts and other events; and

**WHEREAS**, two concerts have been scheduled for 2019 that will be non-ticketed events and will include the sale of alcoholic beverages; and

**WHEREAS**, these concerts have been submitted to the Recreation Board of the City of Troy, Ohio and the Board of Park Commissioners of the City of Troy, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to establish terms and conditions for the use of the Treasure Island Park on the following dates within the hours of 8:00 a.m. to 11:00 p.m. and to execute a Treasure Island Non-Ticketed Use Agreement with the Troy Recreation Board and the Board of Park Commissioners for said dates:

June 29, 2019

August 3, 2019

**SECTION II:** That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to take such actions as are in his opinion necessary and proper to implement the presentation of the events on June 29, 2019 and August 3, 2019, at Treasure Island Park in the City of Troy, Ohio, and notwithstanding any provisions of the Troy Codified Ordinances including, but not limited to, Chapter 311, Sections .02, .04, .05; Chapter 371, Sections .03 - .05; Chapter 717; Chapter 721; Chapter 745; Chapter 749, Chapter 933, Sections .07, .10, .16, .18, .20; Chapter 1143, Section .22; and Chapter 1157, which would prohibit programs deemed proper by the Director of Public Service and Safety of the City of Troy, Ohio and as part of the events on June 29, 2019 and August 3, 2019.

**SECTION III:** That the sale and consumption of beer, wine and intoxicating liquor on the public area known as Treasure Island Park is authorized for June 29, 2019 and August 3, 2019 within the hours of 5:00 p.m. to 11:00 p.m. pursuant to proper permits issued by the State of Ohio for each event.

**SECTION IV:** That this Ordinance shall be effective at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

## ITEMS OF INTEREST

**TO:** Mayor Beamish  
Mrs. Baker, President of Council  
Council Members

**FROM:** Patrick E. J. Titterington, City Director



**DATE:** February 15, 2019

We are providing the following for your information:

- Major Project Update:
  - North Market Street Improvement Project – The roadway was opened to traffic on June 12. The traffic signals are installed and operational. Frontier is proceeding with pole and wire relocation.
  - McKaig Road Improvements Phase 4 Project – McKaig Road was closed September 17, 2018 to November 30, 2018 from Lake Street to South Dorset Road. The roundabout at the intersection of McKaig Road and South Dorset Road is scheduled to be constructed in the summer. The intersection will be completely closed during roundabout construction.
  - Miami Shores Clubhouse Renovation Project – Installation of plumbing, electric, and HVAC is underway inside the structure. Windows are now being installed and doors will be installed within the next week. Roof shingles will be installed when the weather allows.
- Recreation Director Ken Siler reported the following:
  - The Greater Midwest Cheer Competition was held February 9 and 10. It is estimated that we had approximately 3,500 people attend the weekend event.
  - Rick Springfield Concert is this Saturday evening. We anticipate approximately 2,000 people in attendance.
  - The Miami County Home & Garden Show is next Friday – Sunday, February 22 – 24, with setup beginning Wednesday, February 20.
  - Youth Hockey programs will be winding down over the next three weeks.
  - This coming weekend will be the last weekend for public skating for the season. There are two added sessions on Sunday evening and Monday afternoon due to the Presidents' Day weekend.
- Employment Update:
  - After 25 years of service with the City of Troy Fire Department, Kurt Achterberg retired on February 10. Best of luck to Kurt in his retirement.
  - Lillian Woodward was appointed to the position of Account Representative for the Billing and Collection Department effective February 11.



- City offices will be closed on Monday, February 18 for the Presidents' Day Holiday. Residential refuse collection and recycling will be on schedule.
- This coming Tuesday, February 19 the City of Troy Park Department will start removing 15 Ginkgo trees from the downtown area due to the condition of the trees. Weather permitting the work should be completed by Wednesday, February 20 with minimal impact to pedestrians, parking, and traffic.
- Attached is the Snow Removal report for the 2018-2019 winter seasons.

**Upcoming Events at Hobart Arena**

Feb. 16	8:00 pm	Concert - Rick Springfield with special guest Stranger
Feb. 22-24		Miami County Home & Garden Show
March 1-2		OHSA DIII District Wrestling Tournament
March 16	7:00 pm	Concert - For King & Country Burn the Ships World Tour
March 22	8:00 pm	Concert - Dwight Yoakam
March 30	7:30 pm	Fire on Ice - World Championship Ice Racing
April 2-6 and 9-14		Winterguard International
April 19	8:00 am	Riverway Summit
April 27		Dayton Feis
April 28	8:00 pm	Concert - Rhonda Vincent & the Rage
May 11	7:30 pm	Concert - I AM KING - The Michael Jackson Experience

**Calendar of Meetings**

Feb. 19	7:00 pm	Council	City Hall – Council Chambers
Feb. 20	4:00 pm	Recreation Board	Hobart Arena
Feb. 27	3:30 pm	Planning Commission	City Hall – Council Chambers

Reports from other departments are attached.

If you have any questions, please do not hesitate to contact this office.

Enclosure

cc: Department Heads

2018-19 Snow Report  
City of Troy

MONTH	(TONS)	SALT (\$/TON)	(\$/EVENT)	(GAL)	BEET JUICE (\$/GAL)	(\$/EVENT)	(GAL)	UNLEADED (\$/GAL)	(\$/EVENT)	(GAL)	DIESEL (\$/GAL)	(\$/EVENT)	(HOURS)	REG LABOR (\$/EVENT)	(HOURS)	OT LABOR (\$/EVENT)	EVENT TOTAL (\$/EVENT)	TOTAL SPENT TO DATE	TOTAL SALT USAGE (TONS)	TOTAL SALT REMAINING (TONS)	EVENT DESCRIPTION (M = Mains; S = Secondaries; B = Bridges;
October	0.0	\$51.62	\$ -	0.0	\$1.37	\$ -	0.0	\$ -	\$ -	0.0	\$ -	\$ -	0.00	\$ -	0.00	\$ -	\$ -	\$ -	0.0	909.0	Salt Delivery 390 tons
November 15, 2018 1:00AM-3:00AM	10.0	\$51.62	\$ 516.20	50.0	\$1.37	\$ 68.50	0.0	\$1.99	\$ -	8.0	\$2.63	\$ 21.04	0.00	\$ -	9.00	\$ 415.29	\$ 1,021.03	\$ 1,021.03	10.0	899.0	Icing on Bridges/Hills (B)
November 16, 2018 5:00AM-7:00AM	4.0	\$51.62	\$ 206.48	20.0	\$1.37	\$ 27.40	0.0	\$1.99	\$ -	5.0	\$2.63	\$ 13.15	0.00	\$ -	6.00	\$ 205.80	\$ 542.83	\$ 1,563.86	14.0	895.0	Icing on Bridges (B)
November 27, 2018 4:00AM-7:00AM	2.0	\$51.62	\$ 103.24	10.0	\$1.37	\$ 13.70	0.0	\$1.99	\$ -	2.0	\$2.63	\$ 5.26	0.00	\$ -	3.00	\$ 176.31	\$ 298.51	\$ 1,862.37	16.0	893.0	Salting icy bridges (B)
November 27, 2018 6:00PM - 9:30PM	30.0	\$51.62	\$ 1,548.60	150.0	\$1.37	\$ 205.50	0.0	\$1.99	\$ -	15.0	\$2.63	\$ 39.45	0.00	\$ -	10.50	\$ 623.47	\$ 2,417.02	\$ 4,279.39	46.0	863.0	Salting bridges & mains
December 5, 2018 4:30AM - 7:00AM	4.0	\$51.62	\$ 206.48	20.0	\$1.37	\$ 27.40	0.0	\$1.99	\$ -	10.0	\$2.63	\$ 26.30	0.00	\$ -	5.00	\$ 244.28	\$ 504.46	\$ 4,783.85	50.0	859.0	Salting bridges & hills
January 9, 2019 9:00AM-3:00PM	8.0	\$51.62	\$ 412.96	0.0	\$1.37	\$ -	15.0	\$1.65	\$ 24.75	21.0	\$1.87	\$ 39.27	12.00	\$ 281.16	0.00	\$ -	\$ 758.14	\$ 5,541.99	58.0	851.0	Brining
January 10, 2019 7:00AM-3:00PM	7.0	\$51.62	\$ 361.34	0.0	\$1.37	\$ -	12.0	\$1.65	\$ 19.80	19.0	\$1.87	\$ 35.53	16.00	\$ 373.28	0.00	\$ -	\$ 789.95	\$ 6,331.94	65.0	844.0	Brining
January 11, 2019 7:00AM-3:00PM	11.0	\$51.62	\$ 567.82	0.0	\$1.37	\$ -	0.0	\$1.65	\$ -	22.0	\$1.87	\$ 41.14	8.00	\$ 160.24	0.00	\$ -	\$ 789.20	\$ 7,101.14	76.0	833.0	Brining
January 12, 2019 9:30AM-1:30PM	84.0	\$51.62	\$ 4,336.08	420.0	\$1.37	\$ 575.40	13.0	\$1.65	\$ 21.45	93.0	\$1.87	\$ 173.91	0.00	\$ -	28.50	\$ 1,217.27	\$ 6,324.11	\$ 13,425.25	160.0	749.0	Salt for 3" of snow
January 12, 2019 8:00PM-12:00AM	64.0	\$51.62	\$ 3,303.68	320.0	\$1.37	\$ 438.40	70.0	\$1.65	\$ 115.50	145.0	\$1.87	\$ 271.15	0.00	\$ -	93.00	\$ 3,812.45	\$ 7,941.18	\$ 21,366.43	224.0	685.0	Salt/plow for 6" of snow
January 13, 2019 12:00AM-4:00AM	36.0	\$51.62	\$ 1,858.32	140.0	\$1.37	\$ 191.80	63.0	\$1.65	\$ 103.95	91.0	\$1.87	\$ 170.17	0.00	\$ -	88.00	\$ 3,586.76	\$ 5,911.00	\$ 27,277.43	260.0	649.0	Salt/plow for 6" of snow
January 15, 2019 9:30PM-1:30AM	102.0	\$51.62	\$ 5,265.24	520.0	\$1.37	\$ 712.40	0.0	\$1.65	\$ -	72.0	\$1.87	\$ 134.64	0.00	\$ -	28.00	\$ 1,088.88	\$ 7,181.16	\$ 34,458.59	362.0	547.0	Freezing drizzle
January 19, 2019 9:00PM-12:00AM	66.0	\$51.62	\$ 3,406.92	315.0	\$1.37	\$ 431.55	47.0	\$1.65	\$ 77.55	154.0	\$1.87	\$ 287.98	0.00	\$ -	72.00	\$ 2,953.77	\$ 7,157.77	\$ 41,616.36	428.0	481.0	6" of blowing snow
January 20, 2019 8:00AM-3:30PM	106.0	\$51.62	\$ 5,471.72	530.0	\$1.37	\$ 726.10	115.0	\$1.65	\$ 189.75	218.0	\$1.87	\$ 407.66	0.00	\$ -	171.50	\$ 7,038.06	\$ 13,831.29	\$ 55,447.65	534.0	375.0	6" of blowing snow
January 21, 2019 7:00AM-10:00AM	3.0	\$51.62	\$ 154.86	15.0	\$1.37	\$ 20.55	0.0	\$1.65	\$ -	0.0	\$1.87	\$ -	0.00	\$ -	3.00	\$ 185.04	\$ 360.45	\$ 55,808.10	537.0	372.0	Salt bridges
January 21, 2019 12:00PM-3:00PM	10.0	\$51.62	\$ 516.20	50.0	\$1.37	\$ 68.50	0.0	\$1.65	\$ -	0.0	\$1.87	\$ -	0.00	\$ -	3.00	\$ 185.04	\$ 769.74	\$ 56,577.84	547.0	362.0	Salt Big -T
January 22, 2019 3:00AM-11:00AM	41.0 37.0	\$51.62 \$65.04	\$ 2,116.42 \$ 2,406.48	390.0	\$1.37	\$ 534.30	0.0	\$1.65	\$ -	87.0	\$1.87	\$ 162.69	64.00	\$ 1,864.96	0.00	\$ -	\$ 4,678.37 \$ 2,406.48	\$ 61,256.21 \$ 63,662.69	588.0 625.0	321.0 284.0	Salt everything, plow mains/secondaries
January 22, 2019 11:00AM-4:00PM	56.0	\$65.04	\$ 3,642.24	280.0	\$1.37	\$ 383.60	0.0	\$1.65	\$ -	0.0	\$1.87	\$ -	0.00	\$ -	35.00	\$ 1,440.05	\$ 5,485.89	\$ 69,128.58	681.0	228.0	Salt everything again plow mains/secondaries
January 24, 2019 4:30AM-7:00AM	73.0	\$65.04	\$ 4,747.92	350.0	\$1.37	\$ 479.50	0.0	\$1.72	\$ -	87.0	\$2.25	\$ 195.75	0.00	\$ -	20.00	\$ 674.24	\$ 6,297.41	\$ 75,425.99	754.0	155.0	Freezing rain
January 27, 2019 4:30AM-7:30AM	66.0	\$65.04	\$ 4,292.64	330.0	\$1.37	\$ 452.10	0.0	\$1.72	\$ -	48.0	\$2.25	\$ 103.50	0.00	\$ -	21.00	\$ 923.61	\$ 5,771.85	\$ 81,197.84	820.0	89.0 512.0	1/2" snow Salt delivery 01/28/19
January 31, 2019 7:00AM-3:00PM	9.0	\$65.04	\$ 585.36	0.0	\$1.37	\$ -	0.0	\$1.72	\$ -	23.0	\$2.25	\$ 51.75	8.00	\$ 210.40	0.00	\$ -	\$ 847.51	\$ 82,045.35	829.0	592.0	Brining
February 1, 2019 12:00AM-3:00PM	108.0	\$65.04	\$ 7,024.32	485.0	\$1.37	\$ 664.45	152.0	\$1.72	\$ 261.44	225.0	\$2.25	\$ 506.25	161.00	\$ 4,516.51	115.50	\$ 4,843.44	\$ 17,818.41	\$ 99,861.76	937.0	484.0	Salt/plow for 5" of snow
February 10, 2019 2:00PM-5:00PM	73.0	\$65.04	\$ 4,747.92	350.0	\$1.37	\$ 479.50	0.0	\$1.72	\$ -	56.0	\$2.25	\$ 126.00			21.00	\$ 923.61	\$ 6,277.03	\$ 106,138.79	1,010.0	411.0	2" snow/M & S/salt only
<b>Total</b>		<b>\$ 57,799.44</b>			<b>\$ 6,500.65</b>			<b>\$ 814.19</b>			<b>\$ 2,812.59</b>			<b>\$ 7,406.55</b>		<b>\$ 30,805.37</b>		<b>\$ 106,138.79</b>			

\* Compared with 2017-18 season expense totaling \$96,563.05 and 982 tons of salt used as of February 15, 2019.





**Operations  
Items of Interest  
February 15, 2019**

**Street/Solid Waste – Jerry Mullins, Foreman**

- Collected and transported 224 tons of residential trash since the last report of 205 tons
- Handled two recycling complaints and four trash complaints
- Collected several compliant brush piles and T-bags
- Filled potholes throughout the City
- Salted and plowed for the snowstorm on February 1, 2019
- Made new snow route priority maps with addition of new streets in the City
- Reorganized and cleaned the Maintenance Facility
- Cleaned and repaired snow equipment
- Placed sod and grass back into curb lawn areas that were damaged due to plowing. We will go back in April to those addresses and place fresh dirt and grass seed.
- Cleaned up the North Market ball field area where the snow from the downtown area was stored

**Electrical – Brian Ferree, Foreman**

- Completed Ohio Utilities Protection Service requests as needed
- Replaced a damaged pedestrian push button pole on the southwest corner of West Main Street and Troy Town
- Repaired a broken bollard light top by Bakehouse Breads
- Installed several new LED ceiling lights in the park office
- Repaired a ceiling light at City Hall
- Installed new wiring to provide power to the rooftop heading unit on top of the headworks building at the Wastewater Treatment Plant
- Made repairs to the Christmas lights on the levee in preparation for a new season later this year
- Made a repair on the underground electrical wiring at the Kirk Lane sewage liftstation
- Replaced a fluorescent lighting ballast in a light above the copier at the Police Department
- Repaired a high-pressure sodium light in the mechanic's area at the Maintenance Facility

**Water Distribution/Sewer Maintenance – Tom Parsons, Foreman**

- Marked numerous Ohio Utilities Protection Service tickets
- Worked on numerous work orders for Billing and Collection
- Completed non-pay shut-offs and reconnected them as they were paid
- Investigated numerous high consumption alerts
- Worked on numerous frozen meters
- Repaired three water main breaks
- Prepared a list of sanitary mains for root control treatment
- Cleaned sanitary and storm hot spots
- Serviced small engines
- Cleaned and restocked our vehicle
- Built tool storage boxes for our service truck
- Removed snow from the Downtown sidewalks
- Assisted the Street Department with snow removal

**Wastewater Treatment Plant – Mitch Beckner**

- A request has been submitted to City Council asking for authorization to bid the purchase of replacement programmable logic controllers (PLCs) for the Wastewater Treatment Plant. This project was included in the 2019 budget and will include the purchase and installation of equipment to replace equipment at the Plant which is currently listed as “end-of-life” and for which replacement parts are no longer available.
- Improvements to sanitary sewer liftstations are ongoing at Duke Park, Harold’s Square, the Barn in the Park, and Archer Park. These upgrades include replacement of non-functioning equipment and the installation of remote monitoring capabilities.
- The Wastewater Plant experienced flows of over 30 million gallons a day during the recent rain storms. While this is four to five times the normal amount, operation continued without any significant issues or impact on the construction of the UV Replacement Project (which remains ahead of schedule).

**Water Treatment Plant – Jeff Monce**

- For the period of January 2018, the WTP pumped a total of 100.569 million gallons (MG) to our distribution system and customers in West Milton and Miami County (avg. 3.24 MB/day). Total precipitation recorded at the WTP for January was 1.41”. Respective totals for January in previous years were:

2018:	103.946	MG:	2.59”
2017:	104.478	MG:	3.55”
2016:	101.302	MG:	1.16”
2015:	117.802	MG:	2.38”
2014:	108.462	MG:	1.47”
2013:	115.595	MG:	2.75”
2012:	94.603	MG:	3.01”
2011:	109.387	MG:	5.77”
2010:	112.849	MG:	0.77”
2009:	105.264	MG:	2.39”

- A total of 10.95 million gallons were pumped to the Extra High Service pressure zone during the month of January, for an average daily consumption of 365,000 gallons.
- Four bulk water accounts withdrew 10,590 gallons from the Bulk Station in January. Total Revenue was \$175.53.
- A vendor completed biannual preventive maintenance on the plant and wellfield emergency generators. Annual safety inspections on three man-lifts were also completed.
- New operator Matt Sharp completed the OEPA parallel testing requirements and has been granted interim authorization to operate the WTP. He will be working solo on February 17.
- Maintenance staff fire-hosed Train 2 basins during the brief warm spell and removed all sludge residuals.



**Items of Interest  
Engineering Department  
February 15, 2019**

PROJ #	PROJECT TITLE	PROJECT STATUS
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**PUBLIC WORKS AND CITY FACILITY PROJECTS**

2014-09	McKaig Road Improvements Phase 4	Construction of the project was awarded to Finrock Construction Co, Inc. Work is completed on the east end of the project. The McKaig-Dorset Intersection roundabout construction will occur in the summer. The intersection will be completely closed while construction is completed this summer.
2015-10	Troy Recreational Trail Resurfacing (PID 100778)	Resurfacing is scheduled to occur Spring 2019. The project will be Local-Let (i.e. implemented by City Staff) and will be funded 80/20 ODOT/Troy. The easement appropriations process is finalized. Staff is requesting Council to authorize the bidding and construction of the resurfacing project.
2015-23	North Market Street Improvements Phase 2	This phase includes work from Kirk Lane/Foss Way to Stonyridge Avenue. The traffic signal reconstruction at North Market Street and Foss Way/Kirk Lane installation is complete. Frontier is proceeding with pole and wire relocation. Punchlist items are complete.
2015-32	State Route 41 Interconnect Phase 2	Phase 2 of the interconnect project will provide communication of signals at Marybill Drive and Dorset Road. EMH&T submitted right-of-way plans to ODOT. Design continues.
2016-09	Miami Shores Clubhouse Renovation	ALT Architecture designed the renovation project. Vancon General Contractor of Dayton, Ohio is the prime contractor. Interior improvements as well as windows and doors are progressing. Work will continue, weather permitting.
2016-13	Riverside Drive Phase 2	This project encompasses Riverside Drive from the Cemetery Maintenance Building to Orchard Drive. LJB, Inc. of Miamisburg, Ohio has been authorized to design the project. The bid opening is scheduled on February 20, 2019.
2016-19	Hobart Arena Parking Lot Improvements	Choice One Engineering Company completed the design. Construction was awarded to Outdoor Enterprise, LLC. Contractor is expected to begin work in early Spring 2019. Construction will be scheduled around events/activities at Hobart Arena. Preconstruction meeting is being scheduled. Tree removal is progressing.
2016-20	Dam Removal Feasibility Study	FlatLand Resources, LLC of Muncie, IN was authorized to perform the feasibility study. The feasibility study is proceeding. A public involvement/input meeting will be held in March.
2017-18	Lincoln Community Center Condition Assessment	MT Studio completed an existing facility assessment of the interior and exterior of the building. The bidding document is completed for various improvements throughout the facility. The bid opening is set for March 13, 2019.
2018-10	Harrison - Atlantic Street Project	The City received the CDBG grant for completion of the waterline in the Harrison and Atlantic Street neighborhood. Access Engineering, LLC of Celina, OH was authorized to design the project and the design work is ongoing. Staff will be requesting authorization to bid the waterline in the coming month.
2018-12	West Main Street (SR 41) Corridor Improvements (PID 108662)	Council authorized Strand Associates, Inc. to design improvements along West Main Street from Market Street (i.e. Public Square) to I-75. Surveying will proceed as weather allows. Phase 2 grant funding at ~\$3,000,000 is recommended for federal funding through MVRPC. The design team is working towards an ODOT Phase 1 deadline of May 2019. The consultant is reaching out to DP&L to discuss the potential of burying the overhead utilities as part of this project.

**Items of Interest  
Engineering Department  
February 15, 2019**

PROJ #	PROJECT TITLE	PROJECT STATUS
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**ANNUAL PROJECTS**

	Sidewalk Program 2018 (Phase 11)	This phase is the southeast side of the City, generally to the east of Phase 10. This phase of sidewalk repair is the area encompassed by South Market St. between Canal St. and Race St.; South Clay St. (east side) between Young St. and South County Road 25A; South Crawford St. between Young St. and Racer St.; entire length of Walker St.; and Young St., East Ross St., Enyeart St., East Dakota St. and Racer St. from South Clay St. to CSX Railroad/Union St. The contract was awarded to L.J. DeWeese Co., Inc. Work to begin in March 2019, weather permitting. Tree removal is progressing.
	Sidewalk Program 2019 (Phase 12)	Staff will be collecting sidewalk data in the coming month as weather allows.
	GPS Data Collection	Collection of data continues. Staff is obtaining OUPS markings from the Vectren bare steel/cast iron gas main replacement work occurring throughout the City and other construction/maintenance activities from City staff or contractors.
	Sidewalk, Driveway, Water, Sewer, and Sump Inspections	Inspections are continuing to be completed as requested with replacements and new development.



**Items of Interest  
Engineering Department  
February 15, 2019**

**PROJ #                      PROJECT TITLE    PROJECT STATUS**

**SUBDIVISION PROJECTS**

2019-04	The Reserve at Washington	The preliminary plan is approved by Planning Commission. The final record plat and construction documents has been returned to the developer with comments. Staff will be proceeding with Planning Commission approval in the coming months.
2018-19	Halifax Villas	The PD General Plan has been approved through Council. Design is progressing and staff is coordinating with developer. Construction documents are nearing completion after staff reviewed initially.
2018-25	Heritage at Troy Country Club	Planning Commission approved the preliminary plan for the development.
2017-21; 2018-22	Fox Harbor	The final plat of Section 4 was approved by Council. Construction has begun. Section 5 was approved by Council and an escrow agreement is being finalized.
2016-10; 2017-13; 2017-15; 2018-02	Stonebridge Meadows	Section 4 and Section 5 contractor has intermediate asphalt placed and house construction is progressing. Sections 6 and 7 have intermediate asphalt installed.
2016-15; 2016-25; 2018-08	Halifax	Section 2 and Section 3 have intermediate asphalt installed. Section 4 has construction progressing. Section 5 has been submitted to staff for review and presentation to Planning Commission.
2015-06; 2015-35; 2017-12	Nottingham	Section 9 and Section 10 has intermediate course of asphalt placed and house construction is progressing. Coordination with adjacent property owners to the detention pond is ongoing.
2016-01	Edgewater	Section 8 has intermediate asphalt. Housing construction is ongoing.
2007-19	Pleasantview Estates	Section 3 is awaiting final course of asphalt. Section 4 plat has been approved, but construction was never started. Staff was contacted by a developer to discuss completing the development. Staff responded to inquiry.
2000-50	Oakmont	Section 5 is awaiting final punch list and final course of asphalt. Developer has paid Miami Valley Lighting for street lights and plans to get the punch list and asphalt completed in the coming months to finish the plat.
2018-07	Villages of Concord	The development Preliminary Plan has been resubmitted for Planning Commission approval.

## High Usage Alert Records

[illegible]

**MEMORANDUM**

**TO:** Patrick E.J. Titterington, Director of Public Service and Safety

**FROM:** Tim Davis, Assistant Development Director

**DATE:** February 15, 2019

**SUBJECT:** *Items of Interest Report*

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I have attached two reports which summarize concerns that are being addressed by the Economic Development Department from January 29, 2019 to February 13, 2019.

The first report shows all permit applications that were received. The permits have been separated by the wards they are located within. There were ten permit applications received during this time period.

The second report contains the address, type of concern, and a summary of the current status of on-going violations. Both open and closed concerns are listed. These concerns are separated by the wards of which they fall. There were 25 violations addressed during this time period.

All costs associated with the removal of trash and elimination of noxious weeds will be invoiced to the property owner. Should the property owner fail to pay the invoice, the cost will be assessed to the property taxes.

encl.

## Permit Activity Report

1/29/2019 - 2/13/2019

Project Address	Ward	Permit Type	Description	Assigned To	Permit Date	Total Fees
2 East Main Street, Troy, OH 45373	2	Change of Occupancy	Occupancy for new deli	Shannon Brandon	2/12/2019	\$52.00
322 W Main St	2	Sign Permit-Permanent	Signs	Robert Watson	2/7/2019	\$43.42
886 Crossbow Lane	2	Zoning-Accessory-Residential	Shed Permit	Robert Watson	2/1/2019	\$25.00
125 S Market St	3	Sign Permit-Permanent	Wall Sign	Robert Watson	2/5/2019	\$32.00
1423 Golden Eagle Dr	4	Zoning-Accessory-Residential	Shed	Robert Watson	2/6/2019	\$25.00
1435 Golden Eagle Dr	4	Zoning-Accessory-Residential	Shed	Robert Watson	1/31/2019	\$26.00
1324 Fleet Rd	5	Zoning-Accessory-Residential	Accessory Garage	Shannon Brandon	2/12/2019	\$25.00
2301 W. Main Street, Suite A	6	Change of Occupancy	New vet office clinic	Shannon Brandon	2/12/2019	\$52.00
20 Troy Town Dr	6	Sign-Reface	Sign Reface	Robert Watson	2/7/2019	\$95.32
2220 Corporate Drive	6	Change of Occupancy	F&P America	Robert Watson	2/5/2019	\$113.06



## Violation Activity Summary

1/29/19 - 2/13/2019

Case #	Case Date	Assigned To	Site Address	Ward	Type of Violation	Status	Description
20190036	2/7/2019	Robert Watson	1002 LINWOOD DR	1	TRASH & DEBRIS	Closed	2/6 RW, in area noticed the debris and various items on the trailer and around the house. Sending Certified, Follow Up 2/15. 2/11 RW, owner cleaned up, Closed
20190037	2/7/2019	Robert Watson	1380 MICHAEL CT	1	TRASH & DEBRIS	Open	2/6 RW, in area desk at road, not picked up by City. Sending Certified, Follow Up 2/15
20190038	2/7/2019	Robert Watson	1360 MICHAEL CT	1	TRASH & DEBRIS	Open	2/6 RW, in area, tires at the road, Sending Certified, Follow Up 2/15
20190039	2/7/2019	Robert Watson	1135 STEPHENSON DR	1	TRASH & DEBRIS	Open	2/6 RW, in the area and noticed the trash and debris on the property. Sending Certificate Follow Up 2/15
20190040	2/7/2019	Robert Watson	1205 BUNKER HILL DR	1	TRASH & DEBRIS	Open	2/15 RW, in area, trash/ int. furniture left at curb, sending Certified Follow Up 2/15
20190041	2/7/2019	Robert Watson	1144 STEPHENSON DR	1	TRASH & DEBRIS	Closed	2/6 RW, in area noticed the pile of wood and debris, no use for fire wood on the property since apartments have no fireplaces. Sending Certified, Follow Up 2/15. 2/12, RW wrong address served sending out a corrected case. Close
20190034	2/5/2019	Robert Watson	627 E CANAL ST	2	TRASH & DEBRIS	Open	2/3 RW, complaint came in about bulk trash at the road. Couldn't get out due to moving. Certificate Letter sent 2/6. 2/11 RW, items still at street, giving to Oz if items remain by 2/15.
20190022	1/28/2019	Robert Watson	834 E MAIN ST	2	TRASH & DEBRIS	Open	1-28-19 AE/RW Trash and Debris along the garage. Sending certificate, Follow up 2-8-19. 2/11 RW, items some items removed, will Recheck by 2/22
20190023	1/28/2019	Robert Watson	815 E FRANKLIN ST	2	TRASH & DEBRIS	Open	1-28-19 AE/RW Trash and debris along garage. Certificate, Follow up 2-8-19. 2/11 RW, owner called, said she'd talk to tenant and have removed. Follow Up 2/22
20190024	1/28/2019	Robert Watson	814 E MAIN ST	2	TRASH & DEBRIS	Closed	1-28-19 AE/RW Trash, Litter, and Debris, Tires, Old wood and construction material. Certificate, Follow up 2-8-19. 2/1 RW, owner called needs till next wk to finish F/U 2/12. 2/7 RW, cleaned by owner, Closed
20190025	1/28/2019	Robert Watson	619 E FRANKLIN ST	2	TRASH & DEBRIS	Open	1-29-18 AE/ RW, Trash, debris, Furniture, creates, tires and other misc. debris. Sending Certified, Follow Up 2/8. 2/1 RW, talked with owner, they're evicting tenants by March. Will try to have cleaned up by 2/5. Follow Up by 2/8. 2/7 RW, due to weather not done, some items removed, F/U 2/15. 2/11 RW more items removed, will re-check by 2/22
20190026	1/28/2019	Robert Watson	614 E MAIN ST	2	TRASH & DEBRIS	Closed	1-28-19 AE/RW, black plastic trash bags at the alley behind the garage. Sending certificate, Follow Up 2/8. 2/7 RW, cleaned by owner, close
20190027	1/28/2019	Robert Watson	428 E MAIN ST	2	TRASH & DEBRIS	Open	1-28-19 AE/RW, Old wood lawn chairs, trash, carpet, and misc debris. Sending certificate mail, Follow Up 2/8. 2/11 RW, items still out, Check on 2/15 before sending to OZ.
20190028	1/28/2019	Robert Watson	163 SHAFTSBURY RD	2	TRASH & DEBRIS	Open	1-29-18 RW/AE, complaint came in about this property, pallets, and trash. Sending Certificate, Follow Up 2/15.
20190043	2/7/2019	Shannon Brandon	10 W MAIN ST	2	PROPERTY MAINTENANCE	Open	2-7-19 sb Sent friendly letter letting the Davey's know that the gutters are leaking onto the sidewalk causing large sheets of ice when it freezes. Invited them to sit down with me to come up with a solution. Follow 2-21-19
20190044	2/7/2019	Shannon Brandon	319 PUBLIC SQ SW	2	PROPERTY MAINTENANCE	Open	2-7-19 sb Sent friendly letter letting the Davey's know that the gutters are leaking onto the sidewalk causing large sheets of ice when it freezes. Invited them to sit down with me to come up with a solution. Follow 2-21-19
20190046	2/7/2019	Shannon Brandon	725 E FRANKLIN ST APT 1	2	ZONING PROBLEM	Open	2-7-19 sb Received a complaint that someone at 725 W. Franklin has been putting out food for stray cats and at one time had 8 cats in the house. I inspected the property and saw 3 cats outside. I stopped and talked to Forrest Jones in Apt. 1. He said that he does feed the cats and has 3 cats inside. He said during the below zero temperatures he let the strays in his house because of the cold. I asked him to please stop feeding the strays due to the cat feces and urine. He said he would stop. I will keep an eye on this property.
20190049	2/11/2019	Shannon Brandon	252 S UNION ST	3	TRASH & DEBRIS	Open	2-11-19 sb Received complaint that there was trash at this property. Inspected and found large appliances, sinks, tires, misc trash. Called Ted Mitchell. He said he would handle by 2-15-19. Follow up 2-18-19

20190045	2/7/2019	Shannon Brandon	90 MOREHEAD ST	3	TRASH & DEBRIS	Open	2-7-19 sb Box in the ROW. Certificate, follow up 2-14-19
20190047	2/7/2019	Shannon Brandon	926 E FRANKLIN ST	3	TRASH & DEBRIS	Open	2-7-19 sb Out to this property with Health Dept. House now condemned, no water, no electric, no gas. The tenant was stealing all 3. Talked to the owner Susan Fogt and explained about the trash and condition of the outside of the house. She said she sold the house next door and the guy is interested in this house also. Told her to keep me updated. Certificate, follow up 2-14-19
20190048	2/7/2019	Shannon Brandon	926 E FRANKLIN ST	3	PROPERTY MAINTENANCE	Open	2-7-19 sb Out to this property with Health Dept. House now condemned, no water, no electric, no gas. The tenant was stealing all 3. Talked to the owner Susan Fogt and explained about the condition of the outside of the house. She said she sold the house next door and the guy is interested in this house also. Told her to keep me updated. Concrete steps need repaired, hand railing needs replaced, window on upper floor missing pane of glass, several windows have deteriorated glazing, trim on the windows needs painted, there are rotten boards with holes in them on the garage that need replaced, the garage need scraped and painted, the garage roof is sagging. It needs repaired structurally and a whole new roof put on. The shingles look like sand. I told Susan I would give her 90 days because of trying to sell the property. Certificate, follow up 5-8-19
20190035	2/5/2019	Shannon Brandon	585 E DAKOTA ST	3	BRUSH LETTER	Open	2-5-19 sb Brush and leaves over the sidewalk on the Union St. side. Certified and certificate, follow up 2-13-19
20190032	2/5/2019	Shannon Brandon	501 S MULBERRY ST	3	TRASH & DEBRIS	Open	2-4-19 sb Multi-tenant house. Trash around most tenant's area. Certified and certificate, follow up 2-13-19 2-11-19 sb Green card dated 2-7-19, follow up 2-13-19
20190042	2/7/2019	Robert Watson	1610 HENLEY RD	5	TRASH & DEBRIS	Open	2/6 RW, in area noticed the trash sending Certificate, Follow Up 2/15
20190033	2/5/2019	Shannon Brandon	950 N DORSET RD	5	TRASH & DEBRIS	Open	2-5-19 sb Large pile of skids and boards towards the rear of the double. Certified and certificate, copy tenant. Follow up 2-13-19

## Law Enforcement Activity Report

1/1/2019 TO 1/31/2019

**Ordinance Cases Filed**

<b>Criminal</b>	
Piqua Police Department	5
Tipp City Police Department	1
Troy Police Department	20
	<b>26</b>
<b>Traffic</b>	
Covington Police Department	2
Huber Heights Police Department	1
Piqua Police Department	30
Tipp City Police Department	8
Troy Police Department	78
West Milton Police Department	1
	<b>120</b>

**State Cases Filed**

<b>Criminal</b>	
Bethel/Sheriff	3
Bradford/Sheriff	2
Covington Police Department	7
Miami County Animal Shelter	5
Miami County Health Board	27
Ohio Department of Taxation	1
Ohio State Patrol	9
Personal	6
Piqua Police Department	102
Pleasant Hill / Sheriff	2
Sheriff's Department - Miami County	61
Tipp City Police Department	33
Troy Police Department	123
West Milton Police Department	19

Law Enforcement Activity Report  
1/1/2019 TO 1/31/2019

Wildlife	2
	<u>402</u>
<b>Traffic</b>	
Bethel/Sheriff	14
Bradford/Sheriff	3
Covington Police Department	1
Huber Heights Police Department	2
Ohio State Patrol	336
Piqua Police Department	33
Pleasant Hill / Sheriff	2
Sheriff's Department - Miami County	75
Tipp City Police Department	16
Troy Police Department	76
West Milton Police Department	14
	<u>572</u>
<b>Grand Total:</b>	<u><u>1,120</u></u>